



**Comments on the CER Onshore Pipeline Regulations and
Filing Manuals Review Project**

Submitted on: March 31, 2025

A. OPR – Damage Prevention

CER's Proposal		
<ul style="list-style-type: none"> Adding a requirement to section 39 of the OPR that the company's surveillance/monitoring program must include depth of cover monitoring for: <ul style="list-style-type: none"> o the purposes of section 7 of the <i>Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies</i> (DPR-O) (thus ensuring agricultural safety), and o monitoring the areas which may be impacted by hazards and potential hazards related to normal and abnormal weather conditions and land use. 		
Discussion Questions		NorthRiver Comments
A1	Are there industry best practices, standards or provincial requirements that could inform new OPR requirements regarding depth of cover monitoring or maintenance/minimum earth cover?	Requirements for depth of cover monitoring or maintenance should be based on risk and location. For example, farming practices in the Fraser Valley are of BC is much different than the prairies; therefore, the requirements should not be the same.
A2	What are the benefits and implications (e.g., costs) that regulated companies anticipate from incorporating requirements for depth of cover monitoring into the OPR?	There would be increased costs on an ongoing basis, as well as landowner fatigue.
A3	What are the benefits and implications (e.g., costs) that regulated companies anticipate from incorporating requirements for minimum depth of cover into the OPR?	There would be increased costs on an ongoing basis, as well as landowner fatigue.
A4	For regulated companies, would adding a depth of cover monitoring or maintenance/minimum earth cover requirement in the OPR align with current business practices, or substantially change corporate operations?	It will most definitely change NorthRiver's current business practice.
A5	How can the OPR improve the connection between the company surveillance and monitoring program and the DPR-O requirements and overarching Damage Prevention Program to ensure that depth of cover is adequately managed by pipeline companies?	N/A
A6	How can the OPR improve the connection between the definition of ground disturbance (including cultivation) in the CER Act and the overarching Damage Prevention Program to ensure that depth of cover is adequately managed by pipeline companies?	NorthRiver is of the view that the current definition of ground disturbance is sufficient; therefore, any modification is unnecessary.
A7	How should the CER be more explicit about requirements for depth of cover monitoring or maintenance? Explain why.	The CER should not be more explicit. The CER should take a risk-based approach when setting out the requirements for depth of cover monitoring or maintenance.

B. OPR - Deactivation and End of Lifecycle

CER's Proposal - Definitions		
<ul style="list-style-type: none"> • Adding definitions for: <ul style="list-style-type: none"> o In-service – when the pipeline is actively flowing, including the delivery or transport of oil, gas or other commodity by pipeline, as a whole, to an end point, and o Lifecycle - refers to the phases and activities involved in building, operating, and retiring energy infrastructure. For a pipeline, these would include design, construction, operation, decommissioning and abandonment (whether abandoned in-place or removed), including reclamation/restoration as well as monitoring of an abandoned pipeline. • Amending the definitions of: <ul style="list-style-type: none"> o Decommission - means to permanently cease active flow of a pipeline or part of one where the pipeline, or part of one, is located in a shared right of way, with other pipelines in active flowing service, and o Operate - includes repair, maintain, deactivate, and reactivate. 		
Discussion Question		NorthRiver Comment
B1	Are there any comments on, or further suggestions regarding the new or amended definitions above?	The definitions should be standardized so they are consistent across jurisdictions. This would avoid regulatory gaps and inform efficiency.
CER's Proposal - Decommissioning		
The CER is considering making changes to section 45.1 of the OPR, in addition to changes to the definition.		
Discussion Question		NorthRiver Comment
B2	Do you have feedback on how section 45.1 could be improved to address the comments received; for example, what elements should be included in a decommissioning plan?	N/A
CER's Proposal - Management System		
Changes to section 6.5 of the OPR to include decommissioned and abandoned pipelines; that is, incorporating the establishment and implementation of management system processes, as appropriate, to decommissioned and abandoned pipelines.		
Discussion Questions		NorthRiver Comments
B3	What is your feedback on requiring companies to establish, implement and maintain a management system for decommissioned and abandoned pipelines?	N/A
B4	What should the scope of the management system be for decommissioned and abandoned pipelines?	N/A
CER's Proposal - Notification for Deactivation		
<ul style="list-style-type: none"> • Companies would be required to submit notifications rather than applications for deactivations. • Such notifications must be submitted prior to the end of a twelve (12) month deactivation period and provide reasons for the deactivation. • For pipelines that will be deactivated for prolonged periods, companies would be required to submit notifications to the CER before the end of every two (2) year deactivation period confirming the status of the deactivated pipeline. This requirement must be fulfilled until an application for change of status (application to reactivate, decommission or abandon the pipeline) is made to the CER. 		
Discussion Questions		NorthRiver Comments
B5	Are there risks associated with requiring companies to file a notification for deactivation activities instead of filing an application, and if so, how could they be mitigated?	N/A
B6	Are there any concerns with the requirement to provide notifications on status to the CER every two (2) years during which the pipeline is deactivated to confirm that it is still being safely maintained in an operating state?	N/A
CER's Proposal - Notification for Deactivation		
Expansion of section 39 to include surveillance and monitoring for decommissioned and abandoned pipelines.		
Discussion Questions		NorthRiver Comments
B7	Do you have feedback regarding the applicability of section 39 of the OPR (surveillance and monitoring) to include provisions around monitoring of abandoned pipelines?	N/A
B8	Do you have feedback on how Indigenous Peoples can be involved in the monitoring of decommissioned and abandoned pipelines.	There are challenges and complexities that could make it difficult to involve Indigenous Peoples in the monitoring of decommissioned and abandoned pipelines. For example, many Indigenous communities face limitations in terms of financial resources, technical expertise, and infrastructure required for monitoring abandoned pipelines. Therefore, NorthRiver is of the view that unless their involvement is meaningful and well-supported, having Indigenous Peoples involved in the monitoring of decommissioned and abandoned pipelines would not be beneficial.
CER's Proposal - Records Retention		
Expanding section 56 to ensure that records relating to decommissioned and abandoned pipelines are maintained.		
Discussion Question		NorthRiver Comment
B9	Do you have feedback on including decommissioned and abandoned pipelines in section 56 of the OPR? For example, what is the appropriate record retention duration for these pipelines?	N/A

C. OPR - Emergency Management

CER's Proposal - CSA Z246.2 — Incorporation by Reference	
The CER is considering incorporating CSA Z246.2 into the OPR by reference.	
Discussion Question	NorthRiver Comment
C1 What is your feedback on incorporating CSA Z246.2 by reference in the OPR?	Incorporating CSAZ246.2 by reference is likely to lead to improved safety management practices. It provides an industry-recognized framework to help pipeline operators identify and manage risks, enhance safety, and ensure regulatory compliance. However, it is essential to consider the specific operational context, the costs of implementation, and the need for ongoing training and audits.
CER's Proposal - Priorities to be Considered within the EM Program	
<ul style="list-style-type: none"> Replacing the term “safety of workers or the public” with “people”; and Including adverse effects on sites of historic and cultural significance in subsection 32(1). For example, the revised provision could be worded as follows: <ul style="list-style-type: none"> A company shall develop, implement and maintain an emergency management program that anticipates, prevents, manages and mitigates conditions during an emergency that could adversely affect people, property, sites of historic and cultural significance, or the environment. 	
Discussion Questions	NorthRiver Comments
C2 What is your feedback on replacing the term “safety of workers or the public” with “people” in subsection 32(1)?	The specificity of "workers" and "the public" helps to ensure that the responsible parties (e.g., pipeline operators) maintain accountability for the safety of those directly involved (workers) or indirectly impacted (public). If the term "people" were used, it might dilute this focus, raising questions about how to ensure protections are consistently applied and whether other parties—such as contractors or affected groups—would be included or excluded.
C3 What is your feedback on including adverse effects on sites of historic and cultural significance in subsection 32(1)?	N/A
CER's Proposal - Consolidation of current regulatory framework requirements within the OPR	
The CER is considering adding to the OPR the requirements contained in the CER letters, Amending Orders, Best Practices, and Information Advisory.	
Discussion Questions	NorthRiver Comments
C4 What is your feedback on this proposal?	Incorporating these documents into the OPR would likely streamline regulatory oversight and ensure greater consistency and clarity in compliance, making it easier for operators to understand and implement the CER's requirements.
C5 Are there elements of the above-noted documents that should be included in OPR-related guidance rather than in the OPR itself?	N/A
C6 What is your feedback on elements of the Best Practices that could be incorporated into the OPR versus related Guidance?	N/A
CER's Proposal - Liaison Activities and the Continuing Education Program	
The CER is considering clarifying requirements for “liaison activities” and “continuing education programs” by deleting those terms and replacing them with new Emergency Response Coordination and Emergency Management Information provisions. Emergency Response Coordination would focus on company interactions with those that may be involved in a response, and Emergency Management Information would focus on those that may be impacted during an emergency.	
Discussion Question	NorthRiver Comment
C7 What is your feedback on clarifying the requirements in sections 33-35 of the OPR, regarding liaison activities and the continuing education program?	N/A
CER's Proposal - Involvement of Indigenous Peoples in EM	
The CER is considering adding a requirement for a plan to involve Indigenous Peoples in the EM Program.	
Discussion Question	NorthRiver Comment
C8 What is your feedback on clarifying the CER's requirements within the OPR regarding the Involvement of Indigenous Peoples in a company's EM Program?	The CER's <i>Industry Best Practices for Involvement of Indigenous Nations and Communities in Emergency Management</i> already include guidance on involving Indigenous Peoples in a company's EM Program. Thus, NorthRiver believes that additional requirements within the OPR would be unnecessary.

D. OPR - Environmental Protection

CER's Proposal - Duty to report and manage contamination	
<p>The CER is considering adding the following requirements to the OPR:</p> <ul style="list-style-type: none"> • if, at any time, a company becomes aware of contamination or potential contamination relating to the lifecycle operation of its pipeline, the company must: <ul style="list-style-type: none"> o as soon as practicable, confirm contamination with analytical testing; and o immediately report the details of the contamination to the Regulator; • if contamination has migrated off the right-of-way or company owned or leased lands, a company must notify the Regulator immediately; and • throughout the lifecycle of the pipeline, a company must manage contamination and any potentials risks in a manner that is timely and protects human health, property, and the environment. 	
Discussion Question	NorthRiver Comment
D1	<p>What is your feedback on the proposed requirements above?</p> <p>The CER's <i>Event Reporting Guidelines</i> already include duty to report and management contamination. Therefore, NorthRiver is of the view that that additional requirements would be unnecessary.</p>
CER's Proposal - Section 21 of the OPR: Reclamation, Vegetation Management, and Restoration	
<p>The CER is considering building on the requirements in section 21 with further guidance to be developed. These requirements would incorporate the following concepts:</p> <ul style="list-style-type: none"> • After a disturbance, the rights-of-way and temporary work areas (including temporary access) associated with the pipeline must undergo reclamation in a timely manner. <ul style="list-style-type: none"> o Reclamation means the process of re-establishing a site affected by company activities to a productive use that prevents or minimizes any adverse effects on the environment, people, property, sites of cultural and historical significance and use of the land. o Reclamation includes the stabilization and contouring of the surface of land, maintenance of soil, management of invasive species and weeds, revegetation, and return of the water regime to a pre disturbance state. • During operations, disturbance to vegetation must be minimized except as necessary to enable pipeline surveillance and monitoring, and ready access for maintenance activities and emergency response. <ul style="list-style-type: none"> o Vegetation must be managed in a manner that supports activities required to maintain the safe operation of the infrastructure, but also encourages revegetation in sensitive areas and allows for restoration upon abandonment. • As part of the abandonment activities, the right-of-way must be restored to a condition similar to the surrounding environment and consistent with pre-disturbance land use, where feasible. <ul style="list-style-type: none"> o These goals must be established in consultation with potentially impacted parties, including landowners and Indigenous Peoples (see subtopic 3 of the Rights and Interests of Indigenous Peoples, Socio-economic Effects, and Engagement paper for further information about the CER's proposal for engagement requirements). 	
Discussion Questions	NorthRiver Comments
D2	<p>Do these requirements enhance environmental protection and clarify CER expectations in the areas of reclamation and vegetation management?</p> <p>N/A</p>
D3	<p>The requirement proposed in the third bullet above states that the goals of restoration are to restore the land to a condition similar to the surrounding environment and consistent with the pre disturbance land use. Are these appropriate goals for restoration? If not, what should be the goals for restoration?</p> <p>The CER's <i>Event Reporting Guidelines</i> already include duty to report and management contamination. Therefore, NorthRiver is of the view that that additional requirements would be unnecessary.</p>
D4	<p>What is your feedback on establishing restoration goals in consultation with potentially impacted parties?</p> <p>N/A</p>
CER's Proposal - Section 21 of the OPR - Participation in development of environmental monitoring by Indigenous Peoples	
<p>Companies to include Indigenous Peoples in the development, implementation, and monitoring of reclamation activities.</p>	
Discussion Questions	NorthRiver Comments
D5	<p>What does involvement by Indigenous Peoples in monitoring over the lifecycle of the pipeline look like to you? Please provide any applicable examples or best practices.</p> <p>After construction (and any post-construction remediation), there aren't many operational activities that Indigenous monitoring would add any value to, until final reclamation at the end of a lifecycle.</p>
D6	<p>In the context of the CER's expectations of regulated companies, how could more independent monitoring and reporting by Indigenous Peoples be effectively and safely achieved? What challenges might be involved? Please provide any applicable examples or best practices.</p> <p>This could add cost and processes that do not generate any valuable feedback.</p>
D7	<p>Would the proposed processes in Subtopic 1 of the Rights and Interests, Socio-Economic Effects, and Engagement Topic Paper help ensure that Indigenous Peoples are included in the development and implementation of environmental monitoring activities, or are additional requirements or guidance required specific to monitoring?</p> <p>N/A</p>
CER's Proposal - Environmental Protection Plan required for Construction and Operation and Maintenance Activities	
<ul style="list-style-type: none"> • EP Plans will be developed and implemented for: <ul style="list-style-type: none"> o all construction projects; and o all operations and maintenance activities; • EP Plans would only need to be submitted to the CER through a condition requirement or by request; and • EP Plans would be scalable to the size and scope of the work; for projects that have few or no environment interactions, the EPP could simply state there are no interactions. 	
Discussion Questions	NorthRiver Comments
D8	<p>What are the costs or benefits of adding a requirement to develop an EP Plan that is scalable to the scope of the work for all construction, operations and maintenance activities?</p> <p>N/A</p>
D9	<p>Are there alternative means to an EP Plan, that would help ensure that environmental protection is being considered and communicated during construction, operations and maintenance activities?</p> <p>N/A</p>
D10	<p>Would the proposed requirements in Subtopics 1 and 3 of the Rights and Interests, Socio Economic Effects and Engagement Topic Paper help ensure that EP Plans and the Environmental Protection Programs incorporate measures to prevent and address impacts to the Rights and Interests of Indigenous Peoples?</p> <p>N/A</p>
CER's Proposal - Construction to Operations and Sale or Transfer of Assets Transition Plans	
<p>The CER is considering adding a requirement to establish and implement a process for the transfer of relevant information between employees and other persons working with or on behalf of the company, from the design and construction stages to the operations stage, and upon sale or transfer of an asset.</p>	
Discussion Questions	NorthRiver Comments
D11	<p>What mechanisms are companies currently using to ensure that all the information gathered, commitments made, and input received during the hearing is transferred to operational personnel for the lifecycle of the project?</p> <p>The objective can be achieved by the existing management system obligations.</p>
D12	<p>If a mechanism already exists, what are the benefits and costs of a requirement stating that a construction to operations transition plan is required?</p> <p>N/A</p>
CER's Proposal - Climate resiliency	
<p>The CER is considering adding a requirement that companies must incorporate climate resiliency into their evaluation of risks and risk mitigation.</p>	
Discussion Questions	NorthRiver Comments

D13	While events such as floods and forest fires could be considered hazards under OPR paragraph 6.5(1)(c), due to the increasing frequency of climate related events and the potential impact on all Canadians, the CER is considering a requirement that companies assess these climate related risks on a continual basis, and that infrastructure be resilient to these risks. What are the benefits and costs of a requirement related to continual assessment of climate risks and the implementation of a process to manage and mitigate these risks?	N/A
D14	Are there other options that may achieve the objective in a more effective manner? If so, please explain.	N/A
CER's Proposal - Incorporation of ISO environmental standards		
The CER is considering incorporating elements, or the entirety of ISO 14001 into the OPR or related guidance.		
Discussion Questions		NorthRiver Comments
D15	Should the CER consider incorporating ISO 14001 and related ISO standards by reference into the OPR or any associated technical guidance? Please explain.	Incorporating ISO 14001 and related ISO standards may lead to additional compliance costs, particularly for smaller operators or those that are already meeting the regulatory requirements but are not ISO-certified. While it may drive improvements, the CER would need to balance these costs with the potential benefits in terms of environmental protection and safety.
D16	Are there any potential regulatory gaps in relation to the management system requirements contained in sections 6.1 - 6.6 of the OPR and its applicability to the Environmental Protection Program required by section 48? If so, should ISO 14001 be incorporated by reference in whole or in part into the OPR or associated technical guidance to address those gaps? If in part, which standards or parts of those standards should be incorporated?	N/A

E. OPR - Human and Organizational Factors

CER's Proposal - Workplace System Understanding and Improvement	
<ul style="list-style-type: none"> • Adding a definition of HOF to the Interpretation section of the OPR. • Adding clarifying language to section 6.5(1)(c) so that the process for identifying and analyzing all hazards and potential hazards includes consideration of the HOF discipline and relevant performance influencing factors. • Adding clarifying language so that management system process(es) related to near-miss and incident investigations identify both causal and contributing factors, including those related to HOF and relevant performance influencing factors. 	
Discussion Questions	NorthRiver Comments
E8 What is your feedback on new requirements related to understanding the workplace system and improving the management of socio-technical hazards?	NorthRiver is of the view that the CER can simply correct instances where companies do not understand socio-technical hazards via its existing compliance tools and that adding new requirements is not necessary.
E9 What additional guidance is needed to support the incorporation of HOF within management systems (in addition to the existing CSA EXP16:22)? Please be as detailed as possible in terms of the nature and content of required guidance (i.e., specific HOF topics, processes, procedures, or other practical tools that might be useful).	N/A
E10 The CER would like to better understand the concerns related to the possibility of inherent cultural bias within the HOF discipline and its implementation. Please describe and share examples of how the HOF principles and/or performance influencing factors may be impacted by cultural bias(es). Please also describe how Indigenous knowledge could inform the implementation of HOF within pipeline companies.	N/A
CER's Proposal - Strengthening Organizational Learning	
<ul style="list-style-type: none"> • Adding a descriptive clause to OPR section 6.1 that clarifies a company's management system(s) must facilitate learning and continual improvement; • Adding clarifying language to the end of the section 6.5(1)(x) management system provision to explicitly note that the annual management review (of the management system and each program currently referred to in section 55) must facilitate organizational learning and continual improvement as outcomes; • Adding a requirement for dissemination of lessons learned to employees and/or those working for or on behalf of the company as a result of hazard analyses, risk management processes, and near-miss or incident investigations; and • Adding a requirement to establish and implement a process for learning from external events (e.g., experienced by other members of the pipeline industry), including near-misses and incidents to inform the identification of hazards, management of risks and the implementation of controls. 	
Discussion Questions	NorthRiver Comments
E11 What is your feedback on new requirements designed to strengthen organizational learning and continual improvement?	The objective can be achieved by the existing management system obligations.
E12 What guidance would enhance your understanding and use of organizational learning processes?	N/A
E13 Do you have any feedback with regards to how the CER would provide oversight of organizational learning related processes and outcomes?	N/A
E14 Please indicate the benefits and costs that you anticipate would come from incorporating requirements related to HOF (i.e., those related to workplace system understanding and improvement and strengthening of organizational learning) into the OPR.	N/A

F. OPR - Management System and Contractor Management

CER's Proposal - Management System Requirements		
Potential amendments to sections 6.1 through 6.6 of the OPR, including but not limited to: <ul style="list-style-type: none"> • rewording and/or restructuring some provisions to improve clarity; • adding new management system components in areas that are absent; and • requiring companies to keep an up-to-date list of all the policies, processes and procedures referred to in sections 6.1 through 6.6 and programs referred to in section 55 of the OPR. 		
Discussion Questions		NorthRiver Comments
F1	Are there industry best practices that could inform management system related requirements in sections 6.1 through 6.6? Please be as specific as possible.	Standards like ISO 9001:2015 (Quality Management Systems), ISO 14001:2015 (Environmental Management Systems) have management system-related requirements. However, incorporating these requirements may lead to additional compliance costs, particularly for smaller operators or those that are already meeting the regulatory requirements but are not ISO-certified. While it may drive improvements, the CER would need to balance these costs with the potential benefits in terms of environmental protection and safety.
F2	Are there opportunities to improve alignment of sections 6.1 through 6.6 with applicable management system related requirements from other jurisdictions or technical standards? If yes, please identify the provision(s), explain the issue, and propose a solution.	N/A
F3	Are there any management system components you wish to see added to the OPR? Please explain.	N/A
F4	Are there any management system provisions in the OPR that require clarification? If yes, please explain the issue, identify the provision, and propose a solution.	N/A
F5	What is your feedback on a new potential requirement for companies to establish and maintain an up-to-date list of all the policies, processes and procedures referred to in sections 6.1 through 6.6?	The objective can be achieved by the existing management system obligations.
F6	If establishing and maintaining the list referred to in question #5 is not recommended, what alternatives can companies employ to clearly indicate what processes, procedures, and programs make up their management system?	N/A
F7	Are there any opportunities to improve scalability of management system requirements? If yes, please identify the provision, explain the issue, and propose a solution.	As a Group 2 company, NorthRiver requests that any modification to Management System requirements to be scalable in their implementation and align with current provincial requirements. NorthRiver believes that a sliding scale of Management System requirements within the OPR that account for the amount of pipeline regulated by the CER makes sense for those companies that have small scale operations that fall under the jurisdiction of the CER.
F8	Are there any other additions, deletions, or other changes to the OPR's management system requirements in section 6.1 that would improve the OPR's ability to prevent harm?	N/A
F9	"Quality assurance program" is used in two contexts in the current OPR, once in relation to the quality assurance program that must be implemented to evaluate the adequacy of the management system in its entirety and specifically for the programs identified in section 55 [see section 6.5(1)(w)] and again in section 15 whereby the company must develop a quality assurance program for the purpose of ensuring that the pipe and components to be used in the pipeline meet the specifications discussed in section 14 of the OPR. Do you find this confusing? If so, what solution would you propose?	N/A
F10	The CER has heard that some companies are unclear about how the programs referenced throughout the OPR align with management systems or are subject to the company's management system. If it is unclear how they align, what would you propose as a solution?	N/A
F11	The CER has also heard that some feel a disconnect exists between the outcomes of early engagement in the Filing Manual and the design of management systems and protection programs in the OPR. If such a disconnect exists, what would you propose as a solution?	N/A
CER's Proposal - Management of Contractors Providing Services and/or Products Across the Pipeline Lifecycle		
<ul style="list-style-type: none"> • Adding an explicit requirement for a contractor management process within the OPR management system provisions; and • Developing technical guidance to articulate CER requirements related to contractor management. 		
Discussion Questions		NorthRiver Comments
F12	What are the elements of an effective contractor management process? For example, one commenter provided the following list in their Phase I engagement submission: <ol style="list-style-type: none"> Capability assessment and selection criteria Leadership and cultural factors considerations Orientation and training requirements Boundaries of authority and responsibilities Provision of monitoring and oversight Contingency planning and incident response Monitoring of contractor safety and environmental performance Auditing of contractor's management systems Contractor evaluation 	Meeting the existing provincial labour and occupational health and safety requirements should be considered as important elements of an effective contractor management process.
F13	Should the list identified in question #1 be considered as a framework for a potential regulatory amendment and/or associated technical guidance? Are there additional elements that should be included?	Canada Labour Code already sets out requirements on contractor management.
F14	What guidance is needed to support contractor management provisions in the OPR? Please be as detailed as possible in terms of the nature and content of required guidance (e.g., specific topics, processes, procedures, or other practical tools that might be useful).	Guidance on how contractors are to be selected and how contractors' qualifications and certifications should be verified would be helpful.

F15	What is your feedback regarding how the CER verifies compliance with contractor management requirements today and in the future (e.g., potential oversight activities, assessment criteria, performance measures for all programs described in OPR section 55)?	<ol style="list-style-type: none">1. Enhanced use of technology: Technologies like drones for site inspections, sensors for monitoring contractor activities, and blockchain for reporting could streamline and make compliance checks more transparent and efficient.2. More Robust Contractor Certification: Future compliance strategies may place more emphasis on contractor certification programs. This could include requiring contractors to undergo periodic training and certification based on evolving safety standards, environmental regulations, and industry best practices. This could be tied to centralized contractor databases, where the CER could easily assess whether contractors are meeting required standards before they are hired for projects.3. Integration with Other Regulatory Bodies: There may be more integration with other regulatory bodies at the provincial, and municipal levels.
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G. OPR - Pipeline Integrity

CER's Proposal - Definition of Onshore Pipeline		
The CER is considering amending the definition of onshore pipeline in the OPR to include the transmission of hydrogen and carbon dioxide in a gaseous state.		
Discussion Question		NorthRiver Comment
G1	Please provide feedback on the proposed change to the definition of onshore pipeline to include hydrogen and carbon dioxide in a gaseous state.	This change makes sense given the direction of industry. The CER should consider expanding the definition to include all gaseous and liquid energy pipelines (e.g., ammonia).
CER's Proposal - Use of technologies for which no standard is set out in the OPR		
<ul style="list-style-type: none"> Adding a new requirement to section 5.1 to include a notification to the CER where a company plans to use a technology for components, processes, or systems: <ul style="list-style-type: none"> o for which no standard is set out in the OPR, and o which has not been independently reviewed and publicly released. adding a new requirement that companies establish and implement a process for evaluating a technology for which no standard is set out in the OPR, and which has not been independently reviewed and publicly released. 		
Discussion Questions		NorthRiver Comments
G2	What would an appropriate review period be for a notification?	N/A
G3	Do you have comments on the proposed approach or suggestions or alternatives?	N/A
CER's Proposal - Pipeline Design		
<ul style="list-style-type: none"> Adding a requirement for pipeline design to include supporting risk assessments; Adding a requirement for companies to perform geohazards assessments to determine potential risks to the pipeline; and Adding a requirement for companies selecting trenchless technology for pipeline installations to notify the CER if the installation occurs under a water body or if the installation is large and occurs over land. 		
Discussion Questions		NorthRiver Comments
G4	Please provide feedback on the inclusion of these new requirements. Provide feedback on the threshold size of the installation mentioned in bullet point #3.	N/A
G5	Please provide feedback on the impact of these new requirements on safety throughout the lifecycle of the pipeline.	N/A
CER's Proposal - Storage Facilities		
<ul style="list-style-type: none"> Adding a requirement that storage facilities have an alternate source of power for emergency shut-down, emergency lighting for evacuation, and maintaining other essential services; Adding a requirement that storage facilities are designed and constructed to have a secondary containment system capable of containing ignited spills such that the fire does not expose other tanks or adjoining property to ignition; Adding a requirement that storage facilities are designed and constructed to have fire detection and fire protection; and Adding a requirement that companies have the demonstrable capability to safely extinguish a fire at their storage facilities. 		
Discussion Questions		NorthRiver Comments
G6	Please provide feedback about these proposed options.	<p>Secondary Containment - Typical installations today incorporate multiple tanks within common secondary containments. A requirement for independent secondary containments would require a significant capital expenditure (to both expand and segregate existing containment) to achieve compliance, with minimal risk reduction.</p> <p>Fire Suppression - In many cases, allowing a fire to burn itself out is lowest risk option to people and the environment. Mandating fire suppression potentially puts operators in a position where they need to put their personnel at risk in an effort to protect physical property.</p>
CER's Proposal - Quality Assurance Program – Traceability		
<ul style="list-style-type: none"> Adding a requirement that materials to be used in the manufacturing, fabrication, construction, and maintenance of the pipeline and pressure vessels be traceable, where traceability means the ability to trace the history, use and location of a pipeline material and its characteristics, including material properties, inspection, and testing data, through recorded identification data throughout the life of the pipeline; Adding a requirement that if a company verifies that it has received, installed, or has in service materials that do not meet applicable standards or company specifications, the company must notify the CER; Adding a requirement that companies must ensure that materials of steel pipe and components to be installed on the pipeline have proven notch toughness properties for fracture resistance, except under conditions where the pipe and components: <ul style="list-style-type: none"> o have inherent notch toughness properties; or o are too small to yield meaningful notch toughness results; or o operate at such low stress levels that fracture is not considered to be notch toughness dependent; and Adding a requirement that all information with respect to the quality assurance program be retained for at least two years after abandonment. 		
Discussion Questions		NorthRiver Comments
G7	Please provide feedback about these proposed approach.	<p>Material Traceability - These requirements currently exist in CSA Z622 and should not be recreated in the OPR. In contrast to the OPR, CSA Z662 is updated regularly, which could result in conflict or confusion between requirements CER Reporting - Notch Toughness - It is unclear what problem the CER is attempting to solve. CSA Z662 already provides guidance around Cat 1 pipe and when it can be used. Adding new requirements to the OPR around notch toughness may potentially result in situation where a repair is delayed due to the availability of suitable material, or situations where Cat 2 material must now be used for repairs / replacements on existing Cat 1 systems.</p>
CER's Proposal - Definitions Connected to Operating Pressures		
<ul style="list-style-type: none"> Adding a definition for Approved Maximum Operating Pressure: The maximum pressure for a pipeline system, or designated portion thereof, as approved by the Commission in a Leave to Open Order or a different authorization such as an order or certificate; Adding a definition for Qualified Maximum Operating Pressure: The maximum pressure at which a pipeline system is qualified to be operated, not to exceed the design pressure or the approved maximum operating pressure or the amended maximum operating pressure; and Adding a definition for Amended Maximum Operating Pressure: The maximum pressure for a pipeline system, or designated portion thereof, as established by revised design criteria, not to exceed the approved maximum operating pressure. <p>These will result in two consequential impacts:</p> <ul style="list-style-type: none"> Since both the Approved Maximum Operating Pressure and the Amended Maximum Operating Pressure are based on design criteria, if a company wishes to increase either one of these Maximum Operating Pressures (MOPs) it will need to apply for the increase to the CER pursuant to section 43 of the OPR; and If a company wishes to reduce the MOP as a corrective measure for a class location change, this reduced MOP is now the Amended MOP, and future increases would be subject to s.43, requiring an application for the increase to the CER. 		
Discussion Questions		NorthRiver Comments
G8	What is your feedback on this proposed approach?	N/A

H. OPR - Reporting Harm

CER's Proposal - Definition of Incident — General		
The CER is considering amending the definition of incident.		
Discussion Questions		NorthRiver Comments
H1	Describe challenges or limitations that regulated companies have experienced when interpreting or applying the current OPR definition of "incident".	N/A
H2	Based on industry experience and best practices, describe where improvements to the OPR definition of "incident" can complement areas of overlapping federal, territorial and/or provincial legislation and/or reduce reporting redundancies.	N/A
H3	What instructions or decision-making tools (e.g., risk matrix, checklist, decision tree) are most useful for regulated companies to make a timely assessment of whether an occurrence requires immediate notification to the CER?	N/A
CER's Proposal - Environmental Effects		
The CER is considering a risk matrix or similar decision-making tool located within technical guidance that can assist regulated companies in assessing severity, consequence, likelihood and probability of escalation.		
Discussion Questions		NorthRiver Comments
H4	Describe industry best-practices that can improve how the CER approaches incident reporting in relation to adverse environmental effects or the potential for adverse environmental effects.	The CER's Event Reporting Guidelines already include obligations of incident notification and reporting; therefore, further improvement is not necessary.
H5	Describe occurrences, other than chemical releases, that may have adverse environmental effects for which the CER needs to be immediately notified.	N/A
H6	There are occurrences that may result in an adverse environmental effect and may not be considered an incident as defined in the OPR. Depending on their severity, they could be submitted to the CER as a new notification type with an extended timeline and used to assess company performance or trend analysis. What occurrences do you think the CER needs to be notified of?	N/A
CER's Proposal - Loss of Operational View or Control of a Pipeline		
The CER is considering amending the definition of "incident" to include a requirement to notify the CER of security incidents such as loss of operational view or operational control of a pipeline.		
Discussion Questions		NorthRiver Comments
H7	What do the terms "loss of operational view or operational control of a pipeline" mean to you?	N/A
H8	How should notification and reporting be treated in relation to such events?	N/A
H9	Do you have additional feedback for the CER to consider not covered in questions H7 or H8?	N/A
CER's Proposal - Release of Substance Thresholds		
<ul style="list-style-type: none"> Lowering the volume threshold for notifying the CER of an LVP release within the definition of incident in the OPR; and Changes to the reporting threshold specified within the definition of incident in the OPR regarding a gas or HVP hydrocarbon release. 		
Discussion Questions		NorthRiver Comments
H10	What criteria are of greatest importance when assessing the potential risk associated with a release of LVP or HVP hydrocarbons? (e.g., product, location including proximity to a site of historic or cultural significance, volume, rate of release).	N/A
CER's Proposal - High-Potential Near Misses		
The CER is considering a new OPR reporting requirement for companies to notify the CER of any high-potential incident near miss relating to the construction, operation, or abandonment of its pipeline.		
Discussion Questions		NorthRiver Comments
H11	Provide examples of events relating to pipeline construction, operation, or abandonment that your company internally classifies as high-potential incident near misses.	N/A
H12	Describe industry best practices that could inform the creation of an OPR definition and description of "high-potential incident near miss".	N/A
H13	What are the benefits and costs for regulated companies if high-potential incident near miss reporting were to become an OPR regulatory reporting requirement?	N/A
CER's Proposal - Information Sharing		
The CER is considering implementing processes to assist companies in their learning and continual improvement in this area.		
Discussion Questions		NorthRiver Comments
H14	Please describe what aggregated data sets and/or industry trend types would be most helpful in supporting these performance improvement objectives.	N/A
H15	How might the definition of "incident" in the OPR be refined to support these performance objectives (i.e., organizational and industry-wide learning and continual improvement)?	N/A
CER's Proposal - Sites of Historic and Cultural Significance		
The CER is considering adding a new reporting requirement in relation to damage to a site of historic or cultural significance, subject to confidentiality agreements signed by companies and Indigenous communities and any applicable provincial or territorial requirements.		
Discussion Questions		NorthRiver Comments
H16	Are you aware of existing best practices in historic or cultural site hazard identification that would clarify definitions and this proposed reporting requirement?	N/A

I. OPR - Rights and Interests of Indigenous Peoples, Socio-economic Effects, and Engagement

CER's Proposal - Preventing and Addressing Impacts to the Rights and Interests of Indigenous Peoples	
<ul style="list-style-type: none"> The addition of a new protection program (e.g., Protection Program to prevent and address impacts to the rights and interests of Indigenous Peoples). A new protection program would be based on the same expectations that the CER has set out for existing protection programs⁶ under the OPR. This would require companies to develop, implement and maintain a program that is integrated with its management system, to anticipate, prevent, manage, and mitigate conditions that could adversely impact the rights and interests of Indigenous Peoples. The inclusion of a management system requirement (OPR, s. 6.5) for companies to establish and implement a process to engage with Indigenous Peoples and to demonstrate how Indigenous knowledge, including protocols and practices, that is made available to a company and is applicable to its protection programs, is incorporated into these programs. The inclusion of a management system requirement to establish and implement a process to identify Indigenous laws and policies, and where these are made available to the company and are applicable to its protection programs, demonstrate how they are addressed in their protection programs. A new requirement to ensure that individuals working for or on behalf of a regulated company receive cultural competency training. Additional requirements, where necessary, to ensure that the CER's expectations are clear and regulatory objectives are met. For example: <ul style="list-style-type: none"> a new reporting requirement in relation to damage to a site of historic or cultural significance, subject to confidentiality agreements signed by companies and Indigenous communities and any applicable provincial or territorial requirements (see Reporting Harm Topic Paper for details); a revision to current OPR requirements to ensure that sites of historic and cultural significance, both Indigenous and non-Indigenous, are considered in a company's Emergency Management Program (see Emergency Management Topic Paper for details); an amendment that requires companies to establish restoration goals in consultation with potentially impacted Indigenous Peoples (see the Environmental Protection Topic Paper for details). 	
Discussion Questions	NorthRiver Comments
I1 What is your feedback on the CER's objectives for improvement? Are these the right objectives, or are there others the CER should consider?	NorthRiver understands engagement activities are outlined within the CER <i>Filing Manual</i> and <i>Early Engagement Guide</i> . Since each Indigenous group's engagement processes are unique, NorthRiver believes maintaining flexibility within engagement activities is essential. By prescribing engagement and reconciliation activities within the OPR and FM, the CER may inadvertently reduce that flexibility.
I2 What is your feedback on the following proposed options to meet the regulatory objectives? <ul style="list-style-type: none"> a new protection program to prevent and address impacts to the rights and interests of Indigenous Peoples; a new management system process for the incorporation of Indigenous knowledge; a new management system process for the identification and incorporation of Indigenous laws, policies, practices and protocols; cultural competency training requirements for all those working for regulated companies; additional requirements where necessary. 	A new protection program is not necessary. Indigenous rights and interests, and traditional knowledge do not have a broad enough view and impact on asset lifecycle for a protection program to be necessary. NorthRiver is of the view that Indigenous rights and interests are already adequately incorporated; therefore, any new management system process would create additional cost and time requirements that might not generate additional value to either regulated companies or Indigenous communities. Indigenous laws and policies are not very applicable to many other aspects of the asset lifecycle that they aren't already being considered in (i.e., engineering standards, pipeline integrity, damage prevention).
I3 Do you have any feedback on how these can be implemented by companies and how compliance can be verified by the CER (e.g., potential oversight activities, assessment criteria, performance measures)?	N/A
I4 Are there any potential challenges associated with these proposals? What are they? How can they be addressed?	NorthRiver is of the view that Indigenous rights and interests are already adequately incorporated; therefore, any new management system process would create additional cost and time requirements that might not generate additional value to either the regulated companies or Indigenous communities. Additionally, potentially neither the regulator nor the regulated companies would be in a position to be able to measure impact or compliance to something they are not qualified to judge.
I5 What kind of guidance would be helpful to enhance your understanding of CER expectations related to new requirements to prevent and address impacts to the rights and interests of Indigenous Peoples?	N/A
I6 Do you have feedback on how specific localized knowledge, as well as Indigenous laws, policies, practices, protocols, and knowledge could be incorporated into the OPR? Are there other options or proposals that the CER should consider? Are there any particular challenges associated with implementing or verifying compliance to new requirements? How can these be addressed?	This is already captured in existing consultation requirements and incorporated into project design on new projects.
CER's Proposal - Managing Socio-Economic Effects	
<ul style="list-style-type: none"> The addition of a new protection program (e.g., Protection Program for Socio-Economic Effects). A new protection program would be based on the same expectations that the CER has set out for existing protection programs under the OPR. This would require companies to develop, implement and maintain a program that is integrated with its management system, to anticipate, prevent, manage, and mitigate conditions with adverse impacts. The expansion of the existing Environment Protection Program (OPR, s. 48) (e.g., Environment and Socio-Economic Effects Protection Program). 	
Discussion Questions	NorthRiver Comments
I7 What is your feedback on the CER's objectives for improvement? Are these the right objectives, or are there others the CER should consider?	The objectives can be achieved by the existing management system obligations.
I8 What is your feedback on the following proposed options to meet the regulatory objectives? <ul style="list-style-type: none"> a new protection program for the management of socio-economic effects; expansion of the existing Environment Protection Program to include the management of socio-economic effects. 	A new protection program is not required, any updates could be included in the EPP.
I9 Do you have any feedback on how these can be implemented by companies and how compliance can be verified by the CER (e.g., potential oversight activities, assessment criteria, performance measures)?	Not all projects will have a socio-economic impact (e.g., very remote smaller projects). The CER should allow the need for socio-economic effects to be assessed and addressed on a per project basis.
I10 Are there any potential challenges associated with these proposals? What are they? How can they be addressed?	Incorporating additional program level socio-economic effect management will add unnecessary cost and resource requirements, especially for projects that do not have the potential to cause an impact to socio-economic conditions.
I11 What kind of guidance would be helpful to enhance your understanding of CER expectations related to new requirements to manage socio-economic effects?	N/A
CER's Proposal - Engaging with Potentially Affected People and Communities	
<ul style="list-style-type: none"> Explicit requirements for engagement related to the objectives, either through a stand-alone requirement or management system process. 	
Discussion Questions	NorthRiver Comments
I12 What is your feedback on the CER's objectives for improvement? Are these the right objectives, or are there others the CER should consider?	NorthRiver understands engagement activities are outlined within the CER <i>Filing Manual</i> and <i>Early Engagement Guide</i> . Since each Indigenous group's engagement processes are unique, NorthRiver believes maintaining flexibility within engagement activities is essential. By prescribing engagement and reconciliation activities within the OPR and FM, the CER may inadvertently reduce that flexibility.

I13	<p>What is your feedback on the following proposed option to meet the regulatory objectives?</p> <ul style="list-style-type: none"> • Explicit requirements for engagement related to the objectives, either through a stand-alone requirement or a management system process. 	<p>Getting too explicit on the requirements risks missing the mark. Not all Indigenous communities are the same and not all have the same requirement for engagement, nor in the same way. The existing engagement requirements are sufficient.</p>
I14	<p>Do you have any feedback on how these can be implemented by companies and how compliance can be verified by the CER (e.g., potential oversight activities, assessment criteria, performance measures)?</p>	<p>N/A</p>
I15	<p>Are there any potential challenges associated with this proposal? What are they? How can they be addressed?</p>	<p>N/A</p>
I16	<p>What kind of guidance would be helpful to enhance your understanding of CER expectations related to engagement?</p>	<p>N/A</p>

J. OPR - Safety

CER's Proposal - Process Safety Management		
<ul style="list-style-type: none"> • Adding clarification to OPR section 47 requiring a company to have a Safety Management Program that anticipates, prevents, manages, and mitigates potentially dangerous conditions and exposure to those conditions during all activities relating to construction, operation, maintenance, abandonment, and emergency situations; new language would specify that this program must incorporate both operational safety and process safety management; • Adding requirements related to detection and warning systems for hazardous atmospheres; • Adding clarification to OPR section 36(b) to specify that corrective actions must be taken to address equipment and instrument testing results that fall outside of established acceptance criteria; and • Developing technical guidance to articulate CER expectations and industry best practices related to process safety management. 		
Discussion Questions		NorthRiver Comments
J1	What is your feedback on the proposed approach?	N/A
J2	What guidance is needed to support the incorporation of process safety management within the Safety Management Program? Please be as detailed as possible in terms of the nature and content of required guidance (i.e., specific topics, processes, procedures, or other practical tools that might be useful).	CSA Z662 should be considered when developing technical guidance related to process safety management. The standard includes requirements for process safety management, emphasizing hazard identification, risk assessment, and control measures throughout the pipeline lifecycle.
CER's Proposal - Safety Plans for Construction, Operations and Maintenance, and Abandonment Activities		
<ul style="list-style-type: none"> • Providing a definition of "construction" in the Interpretation section of the OPR; • Replacing existing OPR requirements for construction and maintenance safety manuals with requirements for safety plans for construction, operations and maintenance, and abandonment activities (as part of the Safety Management Program); these plans would describe the procedures, practices, resources, sequence of key safety-related activities and monitoring measures necessary to manage related hazards and to ensure the safety of the work or activity to be undertaken; and • Developing technical guidance to further articulate CER expectations related to safety plan content across each activity type. 		
Discussion Questions		NorthRiver Comments
J3	What is your feedback on the proposed approach?	Construction and maintenance safety manuals are highly detailed and tailored to the specific activities related to pipeline construction, operation, and maintenance. Replacing them with safety plans, which could be less specific, might lead to ambiguity or less rigorous adherence to safety protocols.
J4	What guidance is needed to support safety plan provisions in the OPR? Please be as detailed as possible in terms of the nature and content of required guidance (i.e., specific topics, processes, procedures, or other practical tools that might be useful).	N/A

K. Filing Manuals - Environmental and Socio-Economic Assessment

CER's Proposal - Restructuring the ESA Section		
<p>The CER is considering:</p> <ul style="list-style-type: none"> Splitting the current ESA section into two sections — an amended ESA section and a new “Rights and Interests of Indigenous Peoples” section (see the Filing Manual – Rights and Interests of Indigenous Peoples Topic Paper for more details); and Consolidating general or common guidance into an initial sub-section, and specifying that these topics be addressed wherever they are relevant in the ESA and the new section for “Rights and Interests of Indigenous Peoples”. Such topics could include engagement results, Indigenous knowledge, and climate change resilience. 		
Discussion Questions		NorthRiver Comments
K1	Does the proposed split of the current ESA section improve clarity?	N/A
K2	What overarching topics are important to highlight as applying throughout the applicant's ESA and “Rights and Interests of Indigenous Peoples” sections?	N/A
K3	What other restructuring of the existing ESA section might improve clarity, readability, and better highlight important issues?	N/A
CER's Proposal - Environmental and Socio-economic Assessment: Valued component (VC) identification and selection for the ESA		
<p>The CER is considering:</p> <ul style="list-style-type: none"> Adding filing guidance to help ensure that applicants incorporate Indigenous knowledge and engagement results in the selection of VCs. Including, demonstration of how the VCs chosen reflect both, what was heard from engagement and include probable project-related effects; and Adding discussion of narrow versus broad VCs (or single versus multi-variate VCs) and requirements to help ensure that VCs of various breadths are selected to appropriately cover issues of concern. 		
Discussion Questions		NorthRiver Comments
K4	To what extent should Indigenous knowledge and engagement be explicitly addressed in the selection of VCs? How should applicants demonstrate that Indigenous knowledge and engagement informed the selection of VCs?	N/A
K5	What factors should guide the choice of VCs in terms of their breadth?	N/A
K6	Can VCs be ‘nested’ to cover both specific and more general concerns (e.g., a general VC that sums the effects on a number of narrower VCs)? Are there any methodological considerations or approaches regarding the ‘summing’ of effects of individual VCs?	N/A
K7	What other improvements or clarifications can be made to the discussion and selection of VCs?	N/A
CER's Proposal - Environmental and Socio-economic Assessment: Socio-economic valued components		
<ul style="list-style-type: none"> Renaming “Socio-economic Elements” to “Socio-economic Valued Components”; and Focusing the socio-economic VCs on health, social, and economic effects related to non Indigenous peoples and communities; such that an applicant would consider the following socio economic VCs within their application: employment and economy, human health, human occupancy and resource use, infrastructure and services, and navigation and navigation safety. 		
Discussion Questions		NorthRiver Comments
K8	Would having separate sections in the Filing Manual (e.g., one describing socio-economic VCs and another describing VCs focused on the rights and interests of Indigenous Peoples) improve clarity?	N/A
K9	How would such a split impact the assessment of biophysical VCs, socio-economic VCs, and VCs focused on the rights and interests of Indigenous Peoples?	N/A
K10	What VCs should stay in the ESA section versus which should move to the “Rights and Interests of Indigenous Peoples” section?	N/A
K11	What other improvements can be made to the guidance for socio-economic VCs?	N/A
CER's Proposal - Environmental and Socio-economic Assessment: Mitigation and enhancement measures		
<p>The CER is considering modifying the ESA part of the Filing Manual to specify that applicants should:</p> <ul style="list-style-type: none"> Describe enhancement measures in addition to mitigation measures; Demonstrate how the mitigation hierarchy has been followed and justify the offset principles applied if proposing offsets; Document and monitor socio-economic protection measures equivalent to an EP Plan and PCEMR (see the OPR Rights and Interests of Indigenous Peoples, Socio-economic Effects and Engagement Topic Paper for details); and Ensure that site-specific environmental and socio-economic protection measures relevant to the operations phase are maintained and implemented after construction (see the OPR Rights and Interests of Indigenous Peoples, Socio-economic Effects and Engagement Topic Paper for details). 		
Discussion Questions		NorthRiver Comments
K12	What considerations concerning enhancement measures should be included? Are there different considerations for enhancement measures for biophysical VCs versus socio-economic VCs?	N/A
K13	What principles and other considerations concerning offsets should be included? Are there different considerations for offsets for biophysical VCs versus socio-economic VCs?	N/A
K14	What is the best way to document, monitor, manage, and report on socio-economic protection and enhancement measures?	N/A
K15	How can information relevant to environmental and socio-economic protection measures best be documented to ensure site-specific information and relevant commitments are maintained and implemented during operations?	N/A
K16	What other improvements can be made to the discussion and guidance for mitigation and enhancement measures?	N/A
CER's Proposal - Environmental and Socio-economic Assessment: Cumulative Effects		
<p>The CER is considering guidance that:</p> <ul style="list-style-type: none"> Relevant environmental events (e.g., wildfires) and climate change should be considered in cumulative effects assessments, so that all cumulative effects relevant to the sustainability of particular VCs are assessed; Applicants justify the baseline used for cumulative effects assessment, considering that a short timeframe may suffice in some cases (e.g., if the designation of a species at risk included consideration of its population decline over past decades, or if current forest fragmentation represents the cumulative effects of past development), whereas it may be necessary to use a longer, historical baseline in other cases necessitating discussion of past activities or past state of the environment; and Acknowledges that a cumulative effects assessment for a valued component is not needed if an applicant can demonstrate that their proposed offsets will confidently achieve no net loss for that valued component, taking into account risks and uncertainties such as delay, effectiveness and equivalency. 		
Discussion Questions		NorthRiver Comments
K17	To what extent should environmental events and climate change be included in cumulative effects assessments?	N/A

K18	How is the cumulative effects assessment relevant to positive effects as well as adverse effects?	N/A
K19	What factors are important in choosing the appropriate baseline for cumulative effects assessment?	N/A
K20	To what extent should the use of offsets and the applicant's confidence in achieving no net loss relieve an applicant from having to include a cumulative effects assessment in their ESA?	N/A
K21	What other improvements can be made to the discussion and guidance for cumulative effects?	N/A
CER's Proposal - Environmental and Socio-economic Assessment: Significance		
<p>The CER is considering:</p> <ul style="list-style-type: none"> • Including a templated framework, similar to the sliding scale and the criteria and ratings from the Commission's recent NEBC Recommendation Report, resulting in a sliding scale significance determination for each VC (see C26744-1 Appendix 7 and "Evaluation of Significance" tables for each VC in Chapters 7 and 8); and • Requiring the applicant to consider whether IA Act section 82 applies with regard to federal lands, and if so, to provide their evaluation of whether the proposed project "is" or "is not" likely to cause significant adverse environmental effects on federal lands 		
Discussion Questions		NorthRiver Comments
K22	Would a framework similar to the significance tables used in the NEBC Recommendation Report be appropriate for inclusion in the Filing Manual?	N/A
K23	What considerations should apply when making the significance determination for federal lands?	N/A
K24	What other improvements can be made to the discussion and guidance for significance?	N/A

L. Filing Manuals - Lands

CER's Proposal - Routing and Site Selection Process		
<p>The CER is considering clarifying expectations for applicants to:</p> <ul style="list-style-type: none"> Describe and justify the proposed route and site locations, explain the routing criteria and methodology, and describe alternatives considered and why the proposed route and sites were chosen; Describe the general project setting in sufficient detail to justify the selection of the route and sites; Describe how the applicant undertook and incorporated feedback from engagement with affected persons, municipal governments and communities, including landowners and Indigenous Peoples regarding the proposed route and sites; and, Incorporate input and perspectives when siting a project or establishing a proposed route, e.g., input from directly affected Indigenous Peoples who participated in the route selection process to help ensure protection of heritage resources. 		
Discussion Questions		NorthRiver Comments
L1	What criteria or tools are currently used by companies in determining the location of the required lands and the proposed route within the study corridor? Are there additional criteria or tools that should be used? What additional guidance, or expansion of existing guidance should be in the Filing Manual in relation to such criteria and tools?	Pipeline routing is based upon a number of factors, which include paralleling existing disturbances, constructability, landowner and stakeholder feedback, environmental impact access and cost feasibility. No further guidance is necessary nor beneficial as geographically each area is different.
L2	To what extent should Indigenous knowledge and engagement be explicitly addressed in routing and site selection?	Indigenous knowledge and engagement should only be explicitly addressed on crown land only as there are generally higher level of engagement required.
CER's Proposal - Compensation Methodology		
The CER is considering clarifying expectations for applicants to explain their compensation methodology and compensable matters.		
Discussion Questions		NorthRiver Comments
L3	How could Filing Manual guidance better describe the CER's expectations (such as criteria) for companies when they are developing a compensation methodology for land matters?	The CER Act already outlines the compensation criteria and therefore, no further guidance is needed.
L4	When a company has developed a compensation methodology relating to their project, what information should be included in its application?	Compensation methodology should not be disclosed in the application, because these are proprietary matters between companies and landowners.
L5	How detailed should a company's compensation methodology and approach be? For example, it could be kept at a broad overview level, or it could be made specific to include the use of land evaluations, studies, or analysis that was completed in order to determine the compensation to be offered to owners2 (as per section 320 of the CER Act).	Compensation methodology should not be disclosed in the application, because these are proprietary matters between companies and landowners.
CER's Proposal - Location of Lands Required for the Project		
The CER is considering clarifying expectations for applicants to provide more detailed information on lands specifically obtained for permanent, temporary and/or crossing uses.		
Discussion Questions		NorthRiver Comments
L6	What specific guidance should be provided, in relation to companies describing the location of lands that support the studies for the Environmental and Socio-economics Assessment while incorporating Traditional Land Use and Traditional Ecological Knowledge?	N/A
L7	What should be included in a description of the lands used by Indigenous Peoples or communities for traditional purposes that are proposed to be used for the project?	N/A
CER's Proposal - Land Rights		
The CER is considering clarifying that applicants should describe the land rights required for permanent, temporary or crossing uses.		
Discussion Questions		NorthRiver Comments
L8	What information is appropriate (e.g., typical drawings, estimated duration for each type of temporary workspace) for companies to describe the land rights required (or not required in the case of existing rights), and the type of ownership, for the company to demonstrate that impacted rights holders, owners and users of lands have been identified and consulted in land acquisitions and compensation matters?	Current requirements are sufficient in achieving the objective.
L9	Is it helpful to provide a description of the process to be used if agreements with utility owners cannot be reached?	Current requirements are sufficient in achieving the objective.
CER's Proposal - Rights Holders, Owners, and Users of Lands		
The CER is considering specifying that applicants should provide a more detailed description of those directly impacted by a project.		
Discussion Questions		NorthRiver Comments
L10	What might be an accurate way to describe the types of rights holders, owners and users of lands?	The types of rights holders, owners and users of lands should be described based on whether a person or company have an interest overlapping the construction footprint of a project.
L11	Is this information available to companies at the time companies are preparing their application?	Yes, to some extent.
CER's Proposal - Land Acquisition Process		
The CER is considering adding specificity to its guidance regarding details on the overall land acquisition process, including a description of the process to use if applicants are unable to reach agreements on land rights with the right holder, owner and user of lands, and utility owners.		
Discussion Questions		NorthRiver Comments
L12	What elements of a land acquisition process should be included when companies describe their process?	Existing requirements are sufficient in achieving the objective.
L13	Are there standard or best practice elements that are common amongst most companies? If yes, what are they?	N/A
L14	What information could be included when describing the process to be used if companies are unsuccessful in acquiring land rights either before or after an application is submitted to the CER?	N/A
CER's Proposal - Land Acquisition Notices and Agreements		
Applicants to provide details on the agreements used for land activities, including providing a copy of the form of agreement used to permit access to lands for Traditional Land Use and Traditional Ecological Knowledge studies.		
L15	Are there other elements that should be included in any land acquisition notices and land agreements besides what is required by sections 321 and 322 of the CER Act?	None. However, section 322 of the CER Act causes confusion on the amount of compensation owed to landowners and therefore, modification to the requirements set out in section 322 should be considered.
L16	Are there standard or best practice elements that are common amongst companies?	N/A

M. Filing Manuals - Rights and Interests of Indigenous Peoples

CER's Proposal - Restructuring the Filing Manual		
<p>The CER is considering:</p> <ul style="list-style-type: none"> • Splitting the current ESA section into two sections — an amended ESA section and a new “Rights and Interests of Indigenous Peoples” section; and • Consolidating general or common guidance into an initial sub-section, and specifying that these topics be addressed wherever they are relevant in the ESA and the new section for “Rights and Interests of Indigenous Peoples”. Such topics could include engagement results, Indigenous knowledge, and climate change resilience. 		
Discussion Questions		NorthRiver Comments
M1	Does the proposed split into two sections (i.e., an amended ESA section and a new “Rights and Interests of Indigenous Peoples” section) improve clarity?	While it could improve clarity, it could also lead to duplications where topics addressed can be applicable to both Indigenous and non-Indigenous.
M2	What overarching topics are important to highlight as applying throughout the applicant’s ESA and “Rights and Interests of Indigenous Peoples” sections?	N/A
M3	What other restructuring of the “Rights and Interests of Indigenous Peoples” section might improve clarity, readability, and better highlight important issues?	N/A
CER's Proposal - Rights and Interests of Indigenous Peoples: Valued components focused on the rights and interests of Indigenous Peoples		
<p>The CER is considering:</p> <ul style="list-style-type: none"> • Consolidating and expanding a new category of “Valued Components focused on the rights and interests of Indigenous Peoples”; • Focusing the new category of VCs on the rights and interests of Indigenous Peoples such as: employment and economy for Indigenous Peoples, heritage resources (including cultural, historical, archaeological, and paleontological resources), human health of Indigenous Peoples including the accessibility and availability of country foods, social and cultural well-being, and traditional land and resource use including sites of Indigenous significance; and • Modifying the Assessment part of the Filing Manual to specify that applications should describe enhancement measures in addition to mitigation measures. 		
Discussion Questions		NorthRiver Comments
M4	Would having separate sections in the Filing Manual (e.g., one describing VCs focused on the rights and interests of Indigenous Peoples and another describing biophysical and socio-economic VCs) improve clarity?	N/A
M5	How would such a split impact the assessment of biophysical and socio-economic VCs, and VCs focused on the rights and interests of Indigenous Peoples?	N/A
M6	What VCs should be included in the “Rights and Interests of Indigenous Peoples” section and which should stay in or also be included in the ESA section?	N/A
M7	What is the best way to document, monitor, manage, and report on protection and enhancement measures for VCs focused on the rights and interests of Indigenous Peoples?	N/A
M8	How can information relevant to the rights and interests of Indigenous Peoples best be documented to ensure site-specific information and relevant commitments are maintained and implemented during construction and operations?	N/A
CER's Proposal - Rights and Interests of Indigenous Peoples: Integrating the applicant’s assessment and Indigenous-led assessments and studies		
<p>The CER is considering clarifying expectations for applicants about Indigenous-led assessments and Indigenous-led studies that can form part of an assessment (e.g., Indigenous knowledge studies, Traditional Land and Resource Use studies).</p>		
Discussion Questions		NorthRiver Comments
M9	What are the opportunities and challenges of Indigenous-led assessments and studies for Indigenous Peoples (e.g., timing, funding, scoping, integration)?	N/A
M10	What are the opportunities and challenges of Indigenous-led assessments and studies for applicants (e.g., timing, funding, scoping, integration)?	N/A
M11	How can Indigenous-led assessments and studies be integrated with the applicant’s assessment and still support the objective of “one project, one assessment”?	N/A
M12	When the timing does not match, how can Indigenous-led assessments and studies be integrated with the applicant’s assessment and still meet the CER’s legislated time limits of 450 days for pipeline and power line certificate applications?	N/A
CER's Proposal - Rights and Interests of Indigenous Peoples: Clarifying the CER’s guidance for assessing effects on the rights of Indigenous Peoples		
<p>The CER is considering:</p> <ul style="list-style-type: none"> • Consolidating and expanding a new “Rights and Interests of Indigenous Peoples” section; and • Including a templated framework, similar to the sliding scale and the criteria and ratings from the Commission’s NEBC Recommendation report, resulting in a severity determination for the effects on the rights of Indigenous Peoples (see C26744-1 “Table 6.1: Determination on the degree of severity of the effects on the rights of Indigenous Peoples” and Appendix 6). 		
Discussion Questions		NorthRiver Comments
M13	What are the opportunities and challenges for Indigenous Peoples with the CER’s existing guidance?	N/A
M14	What are the opportunities and challenges for applicants with the CER’s existing guidance?	N/A
M15	What additional guidance, if any, should the Filing Manuals provide to applicants to identify the potential effects of the project on the exercise and practice of the rights of Indigenous Peoples?	N/A
M16	Would a framework similar to the severity table used in the Commission’s NEBC Recommendation Report be appropriate for inclusion in the Filing Manual?	N/A
M17	Should applicants submit a draft determination of the severity of the project effects on the rights of Indigenous Peoples? This would be similar to the CER’s expectations that applicants submit draft determinations of the significance of valued components in the applicants’ ESA, which helps inform the Commission’s determinations about significance in the Commission’s ESA.	N/A
M18	How should applicants integrate their assessment of the potential effects of a project on the rights of Indigenous Peoples with their VC-based assessments? For example, how should applicants demonstrate the overlaps and interconnections between the potential effects of a project on the rights of Indigenous Peoples and VC-based assessments (i.e., the assessment of biophysical and socio-economic VCs, and VCs focused on the rights and interests of Indigenous Peoples)?	N/A
CER's Proposal - Rights and Interests of Indigenous Peoples: Clarifying the CER’s guidance for monitoring and oversight by Indigenous Peoples		
<p>The CER is considering clarifying expectations for applicants about monitoring and oversight by Indigenous Peoples that can form part of an assessment (e.g., plans for participation of Indigenous Peoples in construction monitoring, plans for participation of Indigenous Peoples in post-construction and operations monitoring).</p>		
Discussion Questions		NorthRiver Comments

M19	What are the opportunities and challenges for Indigenous Peoples of being involved in the applicant's inspection, monitoring and follow-up plans and programs (e.g., timing, funding, scoping, integration)?	N/A
M20	What are the opportunities and challenges for applicants of involving Indigenous Peoples in their inspection, monitoring and follow-up plans and programs (e.g., timing, funding, scoping, integration)?	N/A
M21	How should applicants involve Indigenous Peoples in monitoring and managing the effects of the project on the rights and interests of Indigenous Peoples during construction and operation?	N/A
CER's Proposal - Rights and Interests of Indigenous Peoples: Clarifying the CER's guidance for Sites of Indigenous significance		
The CER is considering clarifying expectations for applicants about sites of Indigenous significance, heritage resources, and traditional land and resource use that can form part of an assessment.		
Discussion Questions		NorthRiver Comments
M22	How does the concept of "sites of Indigenous significance" compare with heritage resources and traditional land and resource use? Where might there be overlap (including with existing legislative responsibilities by jurisdictions)?	Generally, the sites of Indigenous significance are specifically identified through the TLRU studies already, and are specific to each community and their values.
M23	What are the opportunities and challenges for Indigenous Peoples of integrating the concept of "sites of Indigenous significance" into the applicant's assessment?	N/A
M24	What are the opportunities and challenges for applicants of integrating the concept of "sites of Indigenous significance" into their assessment?	N/A