

Ensuring First Nations Leadership in Pipeline Regulation

*A Comprehensive Response to the Canada Energy Regulator's
Onshore Pipeline Regulations and Filing Manuals Review*



*First Nations Energy and Mining Council
March 2025*

Table of Contents

- MESSAGE FROM CEO.....3**
- EXECUTIVE SUMMARY6**
- INTRODUCTION8**
 - RECOGNITION OF TREATIES, UNCEDED RIGHTS AND TITLE 8
 - RIGHTS-BASED MONITORING VS. ENVIRONMENTAL PROTECTION PLANS 11
 - DATA SOVEREIGNTY AND TRANSPARENCY IN DECISION-MAKING 11
 - BUILDING TRUST: THE ROLE OF MEANINGFUL ENGAGEMENT 12
 - LONG-TERM VALUE OF FIRST NATIONS PARTICIPATION IN THE REGULATORY REGIME 12
 - CONCLUSION 12
- A. DAMAGE PREVENTION TOPIC PAPER 14**
 - OVERVIEW..... 14
 - ANALYSIS 14
 - RECOMMENDATIONS 15
 - KEY RECOMMENDATIONS 15
- B. DEACTIVATION AND END OF LIFECYCLE TOPIC PAPER..... 17**
 - OVERVIEW..... 17
 - ANALYSIS 17
 - RECOMMENDATIONS 18
 - KEY RECOMMENDATIONS 19
- C. EMERGENCY MANAGEMENT TOPIC PAPER 20**
 - OVERVIEW..... 20
 - ANALYSIS 20
 - RECOMMENDATIONS 21
 - KEY RECOMMENDATIONS 22
- D. ENVIRONMENTAL PROTECTION TOPIC PAPER..... 23**
 - OVERVIEW..... 23
 - ANALYSIS 23
 - RECOMMENDATIONS 25
 - KEY RECOMMENDATIONS 26
- E. HUMAN AND ORGANIZATIONAL FACTORS TOPIC PAPER 27**
 - OVERVIEW..... 27
 - ANALYSIS 27
 - RECOMMENDATIONS 28
 - KEY RECOMMENDATIONS 28
- F. MANAGEMENT SYSTEM AND CONTRACTOR MANAGEMENT TOPIC PAPER 30**
 - OVERVIEW..... 30
 - ANALYSIS 30
 - RECOMMENDATIONS 31
 - KEY RECOMMENDATIONS 32
- G. PIPELINE INTEGRITY TOPIC PAPER 33**
 - OVERVIEW..... 33
 - ANALYSIS 33

RECOMMENDATIONS	34
KEY RECOMMENDATIONS	35
H. REPORTING HARM TOPIC PAPER.....	36
OVERVIEW.....	36
ANALYSIS	36
RECOMMENDATIONS	38
KEY RECOMMENDATIONS	39
I. RIGHTS AND INTERESTS OF INDIGENOUS PEOPLES, SOCIO-ECONOMIC EFFECTS, AND ENGAGEMENT	40
OVERVIEW.....	40
ANALYSIS	40
RECOMMENDATIONS	42
KEY RECOMMENDATIONS	43
J. SAFETY TOPIC PAPER.....	44
OVERVIEW.....	44
ANALYSIS	44
RECOMMENDATIONS	45
KEY RECOMMENDATIONS	46
K. FILING MANUAL: ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT.....	47
OVERVIEW.....	47
ANALYSIS	47
RECOMMENDATIONS	50
KEY RECOMMENDATIONS	51
L. FILING MANUAL: LANDS TOPIC PAPER	52
OVERVIEW.....	52
ANALYSIS	52
RECOMMENDATIONS	54
KEY RECOMMENDATIONS	54
M. FILING MANUAL: RIGHTS AND INTERESTS OF INDIGENOUS PEOPLES	56
OVERVIEW.....	56
ANALYSIS	56
RECOMMENDATIONS	57
KEY RECOMMENDATIONS	59
N. HERITAGE RESOURCES MANAGEMENT IN PRACTICE ON CER-REGULATED PROJECTS	60
OVERVIEW.....	60
ANALYSIS	60
RECOMMENDATIONS	61
KEY RECOMMENDATIONS	62
CONCLUDING REMARKS	63
APPENDIX A – KEY RECOMMENDATIONS	1

Message from CEO

Resource development has far-reaching impacts - on land, water, communities, and future generations. A modern regulatory framework must ensure First Nations-led governance and environmental stewardship are at its core.

Dear Reader,

The First Nations Energy and Mining Council (FNEMC) submits this final report to the Canada Energy Regulator (CER) as part of the ongoing Phase 2 review of the Onshore Pipeline Regulations (OPR) and Filing Manual (FM). This review is a critical opportunity to implement regulatory reforms that ensure First Nations rights, governance, and environmental stewardship are fully integrated into decision-making processes.

The historic agreement signed in February 2025 between the Prime Minister of Canada and the Haida Nation marked a significant step in recognizing Aboriginal Rights, Title, and Treaty relationships through negotiation. This agreement reaffirms what First Nations have always known - that Aboriginal Rights, Title, and Treaty obligations are inherent and enduring. Additionally, the federal government has enacted legislation requiring all federal laws to align with the UN Declaration, while British Columbia's Declaration Act ensures a similar commitment at the provincial level. The Haida agreement not only affirms rights and title but also sets a framework for coexistence, co-jurisdiction, and joint decision-making, principles that must be embedded into all laws and regulatory policies moving forward.

Pipeline infrastructure impacts more than just the land it crosses - it affects water, communities, and future generations. A modern regulatory framework must recognize the essential role of First Nations-led assessments, emergency response planning, and environmental stewardship. Ancestral and generational knowledge, passed down over time, is fundamental to sustainability and must be integrated into decision-making at all levels.

Resource development touches every aspect of First Nations' lives. While assurances have been made that First Nations' concerns are unwarranted, reality proves otherwise. The risks to land and water are real, as demonstrated by events like the Nathan E. Stewart spill in 2016, which continues to affect First Nations communities. The FNEMC calls on the Canadian government to ensure that regulatory reforms go beyond pipelines and encompass all resource development.

FNEMC urges the CER to consider the [First Nations Critical Minerals Strategy](#) (2024), as its principles align with this report's broader approach to resource governance and regulatory modernization.

It is imperative that governments refrain from exempting any resource projects, including pipelines, without first working collaboratively with potentially impacted First Nation communities to create a framework for obtaining the free, prior and informed consent of affected First Nations. Furthermore, there must be a stronger emphasis on the negotiation of consent agreements. [British Columbia's Declaration Act](#) under Section 7, allows First Nations governing bodies to engage in these agreements for resource development.

The environmental assessment process remains a critical checkpoint for all resource projects, and its integrity must be upheld through transparency and the meaningful inclusion of First Nations leadership. First Nations communities provided input and perspectives into the existing environmental assessment process, which remains a critical checkpoint for all resource projects, and its integrity must be upheld through comprehensive implementation of the process as it was designed and is understood by communities, enhancing transparency and the meaningful inclusion of First Nations leadership from the outset, through the entire process and beyond.

The recent resurgence of discussions regarding previously denied projects, such as Enbridge's Northern Gateway project, signals a concerning trend that must not proceed without the consent of First Nations. Additionally, the importance of infrastructure corridors must be further examined to minimize the cumulative impacts of development.

The unchecked fragmentation of lands by resource projects has already left lasting effects, and future developments must be approached with a long-term perspective that respects First Nations' rights and environmental sustainability. Further, it is worth noting that the *United Nations Declaration on the Rights of Indigenous Peoples* "Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment," and *Article 29.1* notes that "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination."

The dedication and commitment demonstrated by First Nations throughout this review process reinforces the collective desire to ensure that the establishment of a regulatory environment that upholds First Nations' rights, safeguards lands, and advances reconciliation. This report serves as more than a regulatory review document - it is a pathway to ensuring that future generations inherit a system that prioritizes safety, sustainability, and First Nations leadership.

The CER's engagement in this process is acknowledged, and the next steps in implementing these essential reforms are anticipated. The future of energy governance must be founded on partnership, with First Nations voices leading the way.

██████████

Sastá' ts'éh (Bear Sinew) of the Kaska Nation

████████████████████

First Nations Energy and Mining Council

March 31, 2025



Executive Summary

This report provides a structured approach to strengthening First Nations governance in resource regulation, ensuring that land, water, and community well-being remain central to decision-making.

The FNEMC has developed this report with 98 key recommendations to support the Canada Energy Regulator (CER) in implementing regulatory reforms that embed First Nations governance, environmental protection, and economic equity. This document outlines key challenges and provides a framework for ensuring that First Nations rights are upheld in regulatory decision-making and enforcement mechanisms.

A central theme is the need for stronger regulatory oversight and First Nations-led participation in monitoring and enforcement. Action Plan Measure 34 (APM 34) of Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028* and the Indigenous Ministerial Arrangements Regulations (IMARs), a key feature of the *Canada Energy Regulator Act* are highlighted as key mechanisms for ensuring compliance and accountability. The report calls for the full integration of First Nations in decision-making processes, ensuring that land and resource management reflect both traditional knowledge and scientific expertise.

Data sovereignty and transparency are identified as critical components of effective governance. First Nations must have full access to environmental monitoring data, particularly during project planning and decommissioning. The ability to collect, manage, and apply data in governance decisions is essential to ensuring informed participation in regulatory processes.

Environmental protection and land stewardship are central to the report's recommendations. First Nations knowledge systems should be integrated with scientific approaches to enhance land restoration, biodiversity conservation, and the mitigation of cumulative industrial impacts. Long-term monitoring, enforceable environmental standards, and clear pathways for legal recourse are necessary to uphold commitments to sustainability and resource protection.

Pipeline safety and integrity remain a significant concern. The report emphasizes the need for real-time monitoring, enhanced safety measures, and proactive risk mitigation strategies. First Nations-led oversight in assessing risks such as land stability, erosion, and seismic activity will strengthen overall safety measures. Regulatory frameworks must include direct First Nations participation in geohazard assessments, leak detection, and emergency preparedness.

Economic inclusion is a fundamental aspect of regulatory reform. The report calls for mandatory revenue-sharing agreements and First Nations equity participation in projects,

ensuring long-term economic benefits rather than short-term compensation. Procurement policies should prioritize First Nations businesses, creating sustainable opportunities for workforce training and development.

Emergency response and incident management require legally mandated First Nations involvement. The report highlights gaps in current notification systems and emergency planning, emphasizing the need for clear communication protocols and the protection of cultural sites during emergency response efforts. First Nations must be integrated into emergency response planning and decision-making.

Regulatory compliance and enforcement must be strengthened to hold industry accountable. The report calls for structured penalties for non-compliance, including financial fines and project suspensions. Independent First Nations-led monitoring teams should have enforceable authority to ensure commitments are upheld. Without stronger enforcement, regulatory processes risk becoming ineffective.

Cultural and heritage protections are another major priority. The report calls for stronger safeguards for sacred lands, burial sites, and traditional-use areas. First Nations-led heritage assessments and permitting systems must be established to prevent irreversible damage to culturally significant locations.

Consultation and legal frameworks require fundamental changes. The report calls for binding agreements to ensure that projects do not proceed without First Nations consent. Consultation should evolve beyond procedural requirements and become a substantive process of mutual cooperation and respect. Early-stage funding for First Nations legal and technical advisors is essential to ensuring meaningful participation in negotiations and regulatory discussions.

This report presents a comprehensive framework for integrating First Nations governance, environmental stewardship, economic empowerment, and regulatory accountability into Canada's resource development processes. Strengthening First Nations leadership in decision-making, ensuring transparency in environmental monitoring, and enforcing legal commitments will result in greater regulatory effectiveness, economic fairness, and long-term environmental sustainability.

Introduction

Pipeline regulation is not just about infrastructure - it is about the broader impacts on land, water, and First Nations rights. This report outlines key recommendations for aligning regulatory processes with First Nations governance and sustainability.

This report, prepared by First Nations Energy and Mining Council (FNEMC), is submitted to the Canada Energy Regulator (CER) as part of an ongoing effort to ensure meaningful First Nations participation in regulatory processes.

The report aims to provide a structured approach to key regulatory concerns, rights recognition, and monitoring initiatives. It is intended to inform policymakers, industry stakeholders, and the public about the importance of First Nations rights and governance in environmental protection and resource management.

This submission does not replace or override any individual submissions that B.C. First Nations may choose to submit independently. Rather, it serves as a complementary framework to support and strengthen those submissions by providing additional context, analysis, and recommendations. The submission acknowledges the unique legal and constitutional landscape in British Columbia, where First Nations continue to hold **unceded Rights and Title, with some communities holding rights affirmed under the Douglas treaties, Treaty No. 8 and modern-day treaties.**

Recognition of Treaties, Unceded Rights and Title

Unlike other jurisdictions in Canada, British Columbia remains largely unceded territory. First Nations' inherent rights to self-governance, land stewardship responsibilities, and fully participate in all decision-making processes relating to their lands, waters and resources remains foundational to any discussion regarding resource development, environmental protection, and regulatory processes. In addition to unceded Rights and Title, many First Nations in B.C. also hold rights affirmed under the Douglas treaties, Treaty No. 8 and modern-day treaties, which must be recognized and upheld. Recognizing and respecting these rights in a meaningful way must occur at multiple levels through legislative or regulatory reform and engagement processes which are collaboratively built with First Nations as genuine partners with a seat at the decision-making table, not included as an afterthought.

United Nations Declaration on the Rights of Indigenous Peoples

The principles of Free, Prior, and Informed Consent (FPIC) must be upheld, as outlined in the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP). As a minimum standard for the survival, dignity and well-being of First Nations communities

and as a critical hallmark of self-determination and governance, FPIC must be implemented in a manner that is consistent with the UN Declaration and must not be re-characterized or re-branded for convenience and ease of facilitating expedited approval processes (e.g. it should not be re-branded into an alternative standard such as, Free, Prior and Informed *Consultation*). Further, the standard is not linear, it is an iterative process that evolves as the process unfolds and where new information becomes available.

This submission highlights key UNDRIP articles relevant to this report, including:

- **Article 18**

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

- **Article 19**

States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

- **Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

- **Article 26**

1. *Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
2. *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
3. *States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.*

- **Article 32**

1. *Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*
2. *States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*
3. *States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impacts.*

These articles articulate minimum, foundational rights which serve as critical underpinnings for engagement between First Nations, regulatory bodies, and industry stakeholders, ensuring that commitments to First Nations rights are upheld and operationalized.

United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028

Action Plan Measure 34 (APM 34) of Canada's [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028](#) is a key mechanism supporting First Nations-led oversight and decision-making in regulatory processes. APM 34 explicitly calls for the establishment of independent First Nations monitoring and compliance structures to oversee resource development and environmental protection initiatives. These structures ensure that First Nations have the authority to assess, manage, and enforce regulatory compliance within their territories.

The implementation of APM 34 is critical in addressing existing gaps in oversight mechanisms. It mandates that regulatory decisions affecting First Nations lands and resources must be guided by First Nations-led assessment frameworks.

By prioritizing the implementation of APM 34, First Nations can ensure that their inherent rights to self-determination and land stewardship are meaningfully integrated into regulatory frameworks, fostering greater transparency, accountability, and environmental sustainability.

Indigenous Ministerial Arrangements Regulations

The [Indigenous Ministerial Arrangements Regulations](#) (IMARs) under the Canada Energy Regulator Act (CERA) offer a new pathway for First Nations to take on regulatory roles in overseeing energy infrastructure projects. IMARs allow for ministerial arrangements between the Minister of Energy and Natural Resources and First Nations governing bodies, enabling them to perform regulatory functions concerning federally regulated pipelines and powerlines.

The IMARs initiative is a significant step towards aligning with Canada's commitments under UNDRIP by ensuring that First Nations have a meaningful role in decision-making and regulatory oversight throughout the entire project lifecycle.

IMARs present a pivotal opportunity for First Nations to strengthen their jurisdictional authority over energy infrastructure projects, thereby enhancing regulatory accountability and promoting environmental sustainability. As IMARs regulations take shape, aligning the review of the Onshore Pipeline Regulations (OPR) and Financial Management (FM) frameworks is essential to ensuring the successful implementation of APM 34 and IMARs, while proactively addressing existing regulatory gaps.

Rights-Based Monitoring vs. Environmental Protection Plans

Current regulatory approaches often place First Nations rights concerns under the umbrella of Environmental Protection Plans (EPPs) rather than recognizing Rights-Based Monitoring as a distinct and necessary framework. [The Clyde River \(Hamlet\) v. Petroleum Geo-Services Inc.](#) decision of the Supreme Court of Canada serves as a legal precedent, reinforcing that regulatory bodies cannot subsume First Nations rights within environmental management plans. Instead, there must be a formalized structure where First Nations-led monitoring teams have direct authority and oversight over land and resource impacts.

Independent First Nations monitoring teams should be empowered to assess compliance, environmental risks, and long-term sustainability through legally recognized authority mechanisms such as APM 34 and IMARs. These teams must not only have observational roles but also enforceable decision-making powers to ensure First Nations governance structures are respected in regulatory compliance.

Data Sovereignty and Transparency in Decision-Making

Data sovereignty is a critical component to making FPIC meaningfully operational and access to data is a necessary element to the exercise of First Nations rights. Ensuring that First Nations have full access to environmental monitoring data - particularly in pre-application and decommissioning phases - is essential for informed decision-making. Data related to cumulative effects assessments, pipeline interactions with multiple territories, and cross-jurisdictional impacts must be accessible to First Nations governments and not solely retained by industry or regulatory bodies.

First Nations must receive data relevant to any decision-making process or assessment process involving their lands, waters and resources. Further, such data must be in a format that is accessible, provided in a timely manner and useable. Additionally, First Nations must not be denied access to exercise inherent authorities to collect, manage, and utilize data for the purposes of informing their own internal governance decisions. Real-

time data sharing must become a standard practice, ensuring First Nations are not left out of critical information loops that impact their lands and communities.

Building Trust: The Role of Meaningful Engagement

Trust remains a pivotal factor in project approval processes, operations, and long-term infrastructure maintenance. Without sustained, transparent, and meaningful engagement, regulatory and industry relationships with First Nations risk becoming transactional rather than transformative. Trust-building requires several key actions:

- Early, sustained engagement, not just consultation at regulatory milestones.
- Legally binding agreements rather than discretionary commitments.
- Consistent involvement in decision-making bodies, ensuring First Nations are not advisory stakeholders but co-governing partners.

Long-Term Value of First Nations Participation in the Regulatory Regime

Ensuring First Nations participation in regulatory processes is not just a legal requirement - it is a fundamental shift towards more effective, accountable, and sustainable governance. A regulatory framework that includes First Nations at every stage strengthens decision-making, improves oversight, and leads to more comprehensive and balanced outcomes.

The economic case for formalized First Nations participation is clear. Establishing robust First Nations-led regulatory roles, monitoring frameworks, and enforcement mechanisms results in improved regulatory compliance, fewer legal disputes, and greater long-term project certainty. These proactive measures reduce risks, streamline approvals, and enhance industry confidence while reinforcing First Nation governance structures.

By embedding First Nations governance within regulatory frameworks, industry and government can foster greater environmental protection, stronger risk management, and enhanced community partnerships. Meaningful First Nations participation ensures that projects align with sustainability commitments, regulatory best practices, and reconciliation efforts. A regulatory system that recognizes First Nations jurisdiction not only upholds legal and constitutional obligations but *also creates a more predictable and accountable resource management framework.*

Conclusion

By outlining a comprehensive approach to First Nations governance, environmental sustainability, and economic empowerment, this report aims to create a more just and equitable regulatory framework. Its recommendations are designed to ensure that First Nations leadership and decision-making are not only recognized but fully integrated into

Canada's energy and resource sectors, leading to improved regulatory effectiveness, economic fairness, and environmental sustainability.

A. Damage Prevention Topic Paper

Overview

The Damage Prevention topic paper examines proposed changes to the Canada Energy Regulator's (CER) Onshore Pipeline Regulations (OPR), focusing on depth of cover monitoring and maintenance for pipelines, ensuring they remain safely buried to prevent environmental hazards and infrastructure failures. This section explores how First Nations' perspectives on damage prevention can be integrated into the CER regulatory framework.

Analysis

Ensuring adequate depth of cover monitoring is essential for protecting the integrity of pipelines and minimizing risks to the environment and nearby communities. First Nations land stewardship practices emphasize the need for a proactive approach that incorporates ancestral and generational knowledge, recognizes seasonal changes in land conditions, and integrates cultural values into regulatory oversight. Many First Nations have long-standing traditions of monitoring land changes, observing natural indicators, and adapting to environmental shifts. By incorporating these perspectives, depth of cover requirements can be designed to better align with natural cycles and First Nations knowledge systems.

First Nations have identified the need for increased consultation and oversight in areas where pipelines intersect with First Nations lands, particularly near sacred or environmentally sensitive sites. Community involvement in monitoring, particularly through formalized First Nations-led programs, would improve compliance, enhance environmental protection, and strengthen relationships between regulatory bodies, industry, and First Nations. Implementing a mechanism for First Nations participation in depth of cover monitoring would also address long-standing concerns regarding pipeline safety and environmental stewardship.

The B.C.'s Nooksack River flooding event in November 2021 serves as a critical example of how natural disasters can impact the depth of cover for pipelines, potentially leading to increased exposure and heightened risks. The extreme flooding, which resulted in widespread erosion, sediment displacement, and significant land shifts, may have altered soil coverage over buried pipelines in the Fraser Valley region. However, it remains uncertain whether the associated risks have changed, as no comprehensive assessments have been communicated to impacted First Nation communities. Despite the potential consequences, First Nations communities have not been formally notified of any depth of cover changes or emerging risks in affected areas. Given the importance of First Nations involvement in environmental stewardship and land monitoring, proactive communication, real-time data sharing, and collaborative post-disaster assessments should be prioritized to ensure affected communities are informed and actively engaged in damage prevention efforts.

Concerns have also been raised about the financial burden associated with depth of cover monitoring. While periodic monitoring is necessary to ensure compliance and prevent environmental degradation, there is a need for sustainable funding mechanisms that support First Nations' participation. Without adequate resources, First Nations communities may be unable to engage fully in monitoring and compliance efforts, potentially undermining the effectiveness of damage prevention initiatives.

Another critical issue is the definition of "ground disturbance" in current CER regulations. First Nations perspectives on land use extend beyond conventional regulatory definitions, emphasizing the importance of protecting culturally significant sites and ancestral and generational land use areas. A more comprehensive and culturally informed definition would ensure that depth of cover requirements adequately reflect First Nations concerns and priorities.

Recommendations

To improve depth of cover monitoring and damage prevention, CER should establish a formal mechanism for First Nations participation in monitoring activities. This includes recognizing and supporting First Nations-led monitoring programs that incorporate ancestral and generational land use practices and knowledge. Additionally, a revised definition of "ground disturbance" should be developed in collaboration with First Nations to better reflect First Nations perspectives on land use and environmental protection.

Sustainable funding must be allocated to ensure First Nations communities have the capacity to participate effectively in damage prevention efforts. This should include dedicated financial resources for training, technical support, and community-based monitoring initiatives. Enhancing transparency in monitoring activities is also necessary, with real-time data sharing and reporting mechanisms that allow First Nations to access pipeline safety and compliance information.

Depth of cover monitoring requirements should also include a culturally sensitive approach to identifying high-risk areas, ensuring that sacred sites and ecologically sensitive locations receive enhanced protection measures. By embedding First Nations perspectives and governance into the regulatory framework, CER can promote more effective and inclusive damage prevention policies.

Key Recommendations

A. 1.	<i>Establish a depth of cover monitoring program that ensures compliance and environmental protection, with enhanced participation from First Nations.</i>
A. 2.	<i>Develop a revised definition of "ground disturbance" in collaboration with First Nations to include culturally significant sites.</i>
A. 3.	<i>Provide sustainable funding for First Nations-led monitoring, training, and compliance efforts.</i>

A. 4.	<i>Implement real-time data sharing and reporting mechanisms to enhance transparency and accessibility.</i>
A. 5.	<i>Strengthen protection measures for sacred and ecologically sensitive areas within depth of cover regulations.</i>

B. Deactivation and End of Lifecycle Topic Paper

Overview

The Deactivation and End of Lifecycle topic paper examines proposed changes to the Canada Energy Regulator's (CER) Onshore Pipeline Regulations (OPR), specifically how pipeline deactivation, decommissioning, and abandonment processes are managed. The CER is reviewing ways to enhance regulatory requirements for environmental restoration, liability management, and First Nations participation in decisions affecting pipeline infrastructure at the end of its lifecycle. This section outlines First Nations perspectives on ensuring long-term environmental protection, transferring relevant data to First Nations, and securing financial and legal commitments from pipeline operators for land reclamation.

Analysis

The current regulatory framework does not adequately ensure First Nations participation in end-of-lifecycle planning and decision-making. While pipeline operators are required to submit deactivation and abandonment plans, there is no clear process mandating First Nations oversight or involvement in compliance monitoring. This has led to concerns that pipeline decommissioning activities fail to account for long-term environmental impacts on First Nations lands and waters.

A major issue raised from First Nations is the lack of transparency regarding environmental risks and historical data from pipeline operations. First Nations have noted that information related to soil contamination, groundwater impacts, and infrastructure stability is often not shared with First Nations communities. Ensuring that First Nations receive full access to all environmental and operational data from deactivated pipeline routes and sites is essential for informed decision-making on future land use and restoration efforts.

Another critical concern is financial liability for long-term site monitoring and remediation. Once a pipeline is decommissioned, companies are often no longer held responsible for environmental damages that emerge over time. There is a need for legally binding commitments requiring pipeline operators to fund long-term environmental monitoring. Without these commitments, the costs of addressing contamination or infrastructure failures may fall on First Nations or government agencies, placing additional burdens on communities.

First Nations also highlight that ancestral and generational land use and cultural values must be incorporated into deactivation and reclamation plans. Many pipeline routes run through areas of high ecological, cultural, and spiritual significance. Current regulations focus on technical aspects of deactivation, such as pipeline removal or burial, but do not

adequately consider First Nations-led reclamation approaches. A more holistic approach is required, ensuring that restoration efforts align with First Nations' environmental stewardship values and that affected lands can be returned to their natural state.

Finally, while jurisdictional transfers of energy infrastructure undergo a structured review with the Canada Energy Regulator (CER), once the transfer is complete, federal jurisdiction is entirely removed, and the infrastructure becomes subject only to provincial regulations, which operate under different frameworks. A clear example of such a transfer is the sale of Westcoast Energy's natural gas processing and gathering facilities from Enbridge to NorthRiver Midstream in 2018. This creates a significant gap in oversight, particularly when those facilities reach their End of Lifecycle under provincial regulation. Unlike the federal process, which includes stringent environmental assessments, First Nation consultation requirements, and long-term liability planning, provincial processes may not fully incorporate the same protections. To ensure continuity in environmental stewardship and First Nations' rights recognition, infrastructure that was originally regulated at the federal level should be subject to a federal review upon End of Lifecycle, even if it is under provincial jurisdiction at that time. This would help maintain the higher protections originally in place, ensuring that decommissioning, reclamation, and long-term environmental responsibilities align with federal standards, regardless of ownership changes.

Recommendations

First Nations must be formally included in deactivation, decommissioning, and reclamation planning to ensure they have a direct role in environmental monitoring, compliance oversight, and land-use decisions. This should involve legally recognized consultation processes that empower First Nations to provide input on all aspects of pipeline lifecycle management, ensuring their concerns about environmental, cultural, and health impacts are addressed.

Comprehensive sharing requirements must be mandated, ensuring First Nations receive full access to all historical pipeline operations, contamination reports, groundwater and soil assessments, and environmental monitoring data. This transparency is critical for enabling informed decision-making regarding land restoration, environmental risks, and community health impacts after a pipeline has been decommissioned. Without this data, First Nations are left with uncertainties regarding potential contamination and long-term land use planning.

Pipeline operators must be held financially responsible for long-term environmental monitoring and remediation even after decommissioning, preventing these costs from falling on First Nations or government agencies. This includes the establishment of a dedicated, long-term remediation fund that remains accessible to First Nations communities, regardless of whether a jurisdictional transfer has taken place. First Nations

must have the ability to apply for and access this funding to conduct independent environmental assessments, remediation efforts, and long-term monitoring programs.

First Nations-led land stewardship principles must be incorporated into deactivation, decommissioning, and reclamation strategies, ensuring that restoration aligns with ancestral and generational knowledge, cultural values, and the long-term sustainability of impacted lands. This includes recognizing First Nations rights to participate in reclamation planning, soil restoration, and biodiversity protection to ensure lands can be restored to their natural state.

Finally, if jurisdictional transfers take place, End of Lifecycle and deactivation processes must still include a federal review, even if the infrastructure is under provincial jurisdiction at the time. This is necessary to ensure that federal environmental protections, First Nations consultation requirements, and long-term monitoring obligations remain intact, preventing regulatory gaps that could compromise environmental safety and First Nations rights. A federally mandated oversight mechanism should be established to review decommissioning plans, remediation commitments, and land restoration efforts, ensuring they align with national environmental standards and First Nations rights protections.

Key Recommendations

B. 1.	Ensure First Nations have decision-making authority in deactivation and reclamation processes.
B. 2.	Mandate full access to operational and environmental data related to decommissioned pipelines.
B. 3.	Secure financial commitments from pipeline operators for long-term site monitoring and remediation.
B. 4.	Incorporate First Nations-led environmental restoration strategies into deactivation policies.
B. 5.	Establish legally enforceable mechanisms requiring pipeline operators to restore lands impacted by decommissioned infrastructure.
B. 6.	Require a federal review of Deactivation End of Lifecycle processes for infrastructure originally under federal jurisdiction, even if it transitioned to provincial oversight.

C. Emergency Management Topic Paper

Overview

The Emergency Management topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) aimed at enhancing the Canada Energy Regulator's (CER) oversight of emergency preparedness and response. The CER is considering incorporating the CSA Z246.2 emergency preparedness standard, clarifying requirements for cultural site protection, formalizing First Nations participation in emergency planning, and improving notification protocols for CER-reportable incidents. This section explores how First Nations perspectives on emergency management can be integrated into the OPR framework.

Analysis

First Nations have expressed significant concerns regarding emergency preparedness for pipeline incidents, particularly around cultural site protection, notification procedures, and meaningful participation in emergency response planning. Historical incidents have demonstrated that inadequate communication with First Nations has led to environmental and cultural impacts that were not properly addressed.

The incorporation of CSA Z246.2 by reference has the potential to standardize emergency preparedness across the industry. However, First Nations emphasize that the framework must explicitly include First Nations involvement in planning, decision-making, and response coordination. This would ensure that ancestral and generational knowledge is integrated into risk assessments, early warning systems, and mitigation strategies.

A major concern raised by First Nations is the control and location of the Emergency Operations Center (EOC) during incidents. In past events, external agencies have attempted to establish EOCs outside of First Nations' governance structures, leading to exclusion from critical decision-making. To ensure First Nations' authority is upheld, emergency management protocols must recognize First Nations' rights to host and control EOCs within their territories. This ensures their leadership in managing crises affecting their lands, rather than being placed in a secondary role.

There is also a lack of clarity and effectiveness in emergency notifications. While industry best practices suggest timely notification, First Nations have reported delays, incomplete information, and exclusion from critical emergency response decisions. Establishing mandatory, legally binding notification requirements within the OPR would ensure that First Nations receive timely and comprehensive information about incidents that affect their communities, lands, and rights.

The CER's proposal to replace "safety of workers or the public" with "people" in subsection 32(1) has been positively received, as it broadens protections. However, First Nations stress that this change must be accompanied by clear policies ensuring cultural and historical site protection. Sites of cultural significance - including burial grounds, ancestral and generational harvesting areas, and archaeological sites - must be formally recognized in emergency response plans.

Additionally, there are significant gaps in capacity-building for emergency response participation. Many communities lack access to training, funding, and necessary equipment, limiting their ability to engage meaningfully in emergency preparedness. Long-term funding programs must be established to support First Nations-led emergency management initiatives and ensure their full participation in response planning and implementation.

Recommendations

To strengthen emergency management policies and ensure First Nations are fully integrated into emergency response planning, the following actions must be taken:

Legally require First Nations' participation in all stages of emergency management, including planning, training, and response, and mandate that Emergency Operations Centers (EOCs) be located within First Nations governance structures when incidents occur on their territories.

Incorporate ancestral and generational knowledge into emergency planning, ensuring that risk assessments and response strategies account for First Nations' environmental and cultural expertise.

Strengthen notification protocols by defining clear timelines, required information, and accountability measures for incident reporting to First Nations.

Enhance cultural site protections by requiring that emergency management programs include safeguards for culturally significant sites, developed in consultation with First Nations.

Fund First Nations emergency preparedness programs to ensure sustainable, long-term resources for training, infrastructure, and emergency response capabilities.

Improve data transparency, ensuring that First Nations have access to real-time incident data, environmental monitoring reports, and risk assessments.

Develop joint emergency response exercises, requiring industry to conduct emergency drills in collaboration with First Nations to improve community readiness.

Key Recommendations

C. 1.	Mandate First Nations' involvement in emergency planning, response, and decision-making, including ensuring Emergency Operations Centers (EOCs) are located within First Nations governance structures when incidents occur on their lands.
C. 2.	Require the protection of culturally significant sites in emergency response protocols.
C. 3.	Ensure timely, mandatory notification to First Nations for all CER-reportable incidents.
C. 4.	Provide sustainable funding for First Nations emergency response training and infrastructure.
C. 5.	Enhance data-sharing mechanisms to ensure First Nations have access to real-time emergency information.
C. 6.	Conduct mandatory joint emergency response drills with First Nations participation.

D. Environmental Protection Topic Paper

Overview

The Environmental Protection topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) aimed at enhancing the Canada Energy Regulator's (CER) oversight of environmental protection throughout the pipeline lifecycle. The review considers enhanced contamination reporting and management, reclamation requirements, long-term environmental monitoring, climate resiliency planning, and the integration of First Nations participation in environmental oversight. This section explores how First Nations perspectives on environmental protection can be incorporated into the OPR framework.

Analysis

Environmental protection must be proactive, long-term, and based on ancestral and generational land use principles to ensure meaningful stewardship of lands and waters impacted by pipeline infrastructure. The current regulatory framework does not sufficiently address First Nations' involvement in contamination reporting, reclamation, long-term monitoring, and climate resiliency planning.

Regulatory changes requiring companies to report contamination immediately upon identification and manage contamination throughout the pipeline lifecycle are steps toward greater accountability. However, First Nations must be notified concurrently with the CER when contamination is detected, ensuring that those most affected by environmental degradation can immediately engage in response and remediation efforts. Additionally, First Nations participation in contamination management, monitoring, and remediation must be formally recognized, ensuring that ancestral and generational knowledge guides environmental recovery strategies.

Reclamation efforts must extend beyond regulatory minimums and be shaped by First Nations-defined restoration goals. Restoration should prioritize the reestablishment of culturally significant plant species, medicinal herbs, and traditional harvesting areas. Aligning revegetation efforts with First Nations land management principles is essential. *Co-Management Monitoring Committees* should be established to ensure that reclamation activities meet community-defined environmental standards, with First Nations representatives and CER officials overseeing these efforts.

Reclamation timelines should be ecologically and culturally appropriate, rather than dictated by industry-driven schedules. Seasonal cycles, ecological stability, and cultural land use priorities must be central to reclamation planning.

The increasing risks of wildfires, floods, and permafrost degradation demand proactive climate resiliency planning. The CER is considering mandatory climate risk assessments, which First Nations support. However, these efforts must ensure that First Nations climate knowledge and traditional ecological indicators are incorporated into planning. First Nations must actively participate in the development of Environmental Protection Plans to ensure cultural and environmental priorities are reflected. These plans should also consider cumulative environmental impacts over multiple generations to safeguard First Nations' long-term interests.

First Nations participation in environmental monitoring must be legally mandated throughout the pipeline lifecycle. The OPR's proposed enhancements focus on improved engagement, but stronger commitments are required to ensure that environmental monitoring frameworks are co-developed to incorporate First Nations knowledge.

Strengthening First Nations Environmental Monitoring

The [Canada Energy Regulator Act](#) provides a legal framework under Sections 77 and 78 to establish ministerial arrangements between the Minister of Energy and Natural Resources and First Nation governing bodies. Through the Indigenous Ministerial Arrangements Regulations (IMARs), First Nations can be granted regulatory authority over environmental protection in federally regulated infrastructure, including pipelines. However, despite this legal mechanism, First Nations monitors are often fragmented in their roles, lacking true oversight independence and enforcement powers. Currently, there are more than 70 different Guardian programs in British Columbia alone, covering a variety of environmental monitoring and stewardship functions. These programs highlight the necessity for a cohesive regulatory framework that ensures comprehensive oversight and enforcement capabilities while accommodating diverse community perspectives, priorities, and ecological contexts.

Integrating Guardians Programs and Hybrid Approaches

First Nations participation in environmental monitoring must be a legally mandated component of the pipeline lifecycle. While the Onshore Pipeline Regulations (OPR) propose enhancements to engagement, stronger commitments are required to ensure that environmental monitoring frameworks are co-developed with First Nations knowledge and enforceable within regulatory frameworks.

A formalized role for First Nations Guardians programs is essential for enforcement, monitoring, and compliance. Programs such as the Innu Guardians Program in Labrador demonstrate the effectiveness of First Nations-led environmental oversight. This initiative, led by the Innu Nation, integrates ancestral knowledge with scientific methodologies to monitor fisheries, forestry, and ecosystem health. A key success of this program was the early detection of a hazardous chemical leak at a mine site - preventing an environmental disaster and saving significant remediation costs. This success underscores the need for

full access provisions across all pipeline-related infrastructure, including facilities, integrity digs, and the entire pipeline route, ensuring First Nations can fully exercise their stewardship responsibilities.

Another proven model is [British Columbia's Natural Resource Aboriginal Liaison Program](#) (ALP). This initiative allows First Nations communities to hire First Nations liaisons who collaborate with regulatory agencies to monitor resource projects. These liaisons participate in field inspections, facilitate communication between industry, regulators, and First Nations communities, and document environmental and cultural impacts. The ALP model demonstrates a framework where First Nations maintain hiring authority and direct engagement in their priorities, ensuring that their perspectives are not merely advisory but integrated into regulatory decision-making.

To strengthen monitoring efforts, the following key items must be considered:

- **Regulatory Independence** – First Nations monitors must not be contracted by industry but operate under First Nations-governed regulatory frameworks, with powers defined through IMARs.
- **Ministerial Arrangements for True Oversight** – The federal government must expedite the establishment of ministerial arrangements under Sections 76 to 78 of *Canada Energy Regulator Act* to grant governing bodies direct oversight authority.
- **Pipeline Integrity Digs & Remediation** – First Nations monitors must have full access and decision-making power in pipeline integrity digs, contamination response, and environmental remediation.
- **Sustainable Funding & Enforcement Powers** – First Nations environmental monitoring must be backed by secure, long-term funding and legal authority to mandate regulatory actions based on their findings.
- **Hybrid Approach to Monitoring** – A combination of trained Guardians and technical inspectors/monitors should be considered to enhance both ancestral and generational knowledge and technical expertise in regulatory oversight.
- **Co-Governance Frameworks** – IMARs must be implemented in alignment with Canada's commitments under the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), ensuring First Nation-led governance over environmental protection.

By integrating IMARs into Canada's regulatory system and ensuring full access to monitoring sites, First Nations can move beyond symbolic consultation to exercising real decision-making authority over environmental protection in their territories.

Recommendations

To strengthen environmental protection regulations, the following actions must be taken:

Mandate First Nations notification on contamination reports, ensuring immediate community awareness and engagement.

Strengthen reclamation requirements, requiring the restoration of culturally significant ecosystems and ancestral and generational land use areas.

Establish Co-Management Monitoring Committees, composed of First Nations representatives and CER officials, to oversee reclamation and environmental protection efforts.

Legally require First Nations participation in environmental monitoring, ensuring involvement in all phases of pipeline oversight.

Ensure sustainable funding for First Nations monitoring, guaranteeing long-term support for environmental protection initiatives.

Develop joint First Nations-industry Environmental Protection Plans that integrate First Nations climate knowledge and risk assessments.

Implement cumulative effects assessments, requiring long-term evaluations of pipeline impacts on First Nations lands.

Enhance data transparency and accessibility, ensuring First Nations have access to real-time environmental monitoring data and contamination reports.

Key Recommendations

D. 1.	Establish First Nations monitoring authorities under IMARs with binding regulatory power and independent oversight free from industry influence.
D. 2.	Mandate real-time data sharing and immediate notification on contamination incidents to ensure transparency and accountability.
D. 3.	Secure sustainable federal funding for long-term First Nations environmental monitoring programs.
D. 4.	Ensure full legal access to pipeline routes and facilities for First Nations monitors to conduct effective oversight.
D. 5.	Implement co-governance structures that integrate First Nations decision-making into regulatory processes.
D. 6.	Require cumulative environmental impact assessments for all federally regulated infrastructure projects.
D. 7.	Fully integrate Guardian programs into environmental monitoring and enforcement frameworks.
D. 8.	Develop a hybrid monitoring model that blends ancestral and generational knowledge with technical expertise.

E. Human and Organizational Factors Topic Paper

Overview

The Human and Organizational Factors (HOF) topic paper examines how human behavior, organizational structure, and socio-technical interactions affect pipeline safety and regulatory compliance. The Canada Energy Regulator (CER) is reviewing how HOF principles can be incorporated into the Onshore Pipeline Regulations (OPR) to improve workplace safety, organizational learning, and cultural inclusivity. This section explores how First Nations perspectives on HOF implementation, cultural bias, training, and decision-making can be incorporated into the regulatory framework.

Analysis

A holistic approach to HOF is essential to ensure that workplace safety and operational management incorporate First Nations governance principles, ancestral and generational knowledge, and cultural awareness. First Nations emphasize that workplace systems must be understood as interconnected with land, culture, and environmental stewardship.

To enhance socio-technical hazard management, ancestral and generational land use knowledge should be integrated into environmental risk assessments using culturally relevant indicators. Training programs should reflect First Nations values, community-led decision-making, and ancestral and generational knowledge to improve safety outcomes.

Existing HOF frameworks often exhibit Western-centric biases, overlooking First Nations governance models, oral traditions, and consensus-based decision-making. Inclusive engagement with First Nations communities is necessary to ensure hazard assessments, training programs, and performance evaluations are culturally responsive. Removing systemic biases will strengthen workplace safety planning and risk management.

Organizational learning should incorporate First Nations knowledge-sharing, adaptation, and long-term risk assessment practices. First Nations governance structures prioritize collective decision-making, accountability, and environmental responsibility - principles that align with HOF objectives. Their participation in incident investigations, organizational reviews, and regulatory oversight will enhance safety protocols and improve risk management.

To ensure meaningful First Nations involvement, training programs must be co-developed with First Nations communities, emphasizing long-term capacity-building. Sustainable funding mechanisms are essential to support research, training, and participation in regulatory processes.

Recommendations

The integration of ancestral and generational knowledge into workplace hazard assessments must be prioritized, ensuring that safety culture and risk management strategies incorporate First Nations governance models. This would require regulatory amendments that mandate the consideration of First Nations methodologies in hazard evaluations and safety culture frameworks.

Systemic cultural biases within HOF frameworks must be identified and eliminated. This will necessitate direct engagement with First Nations communities to uncover and rectify biases that currently exclude or undervalue First Nations perspectives in workplace safety, hazard management, and operational decision-making.

First Nations participation in incident investigations, performance reviews, and safety audits must be formalized. Structured roles should be established within regulatory mechanisms to ensure First Nations knowledge holders contribute to oversight processes. This participation would improve the effectiveness of safety protocols and create a more inclusive approach to risk management.

Culturally inclusive training programs must be developed and made mandatory for pipeline operators. These training initiatives should emphasize First Nations governance principles, cultural competency, and decision-making frameworks. Without this, the potential for continued systemic biases in operational safety remains high.

Sustainable funding must be secured to support First Nations-led research, training, and regulatory participation. Dedicated financial resources will enable long-term capacity-building, ensuring First Nations communities have the necessary support to remain engaged in regulatory oversight and hazard management processes.

Transparency in regulatory oversight must be improved by providing First Nations communities with real-time access to safety performance data, hazard reports, and regulatory decision-making. This increased access will foster trust, enhance collaboration, and ensure that First Nations voices are represented in the ongoing evolution of pipeline safety measures.

Key Recommendations

E. 1.	Require integration of ancestral and generational knowledge in workplace hazard assessments.
E. 2.	Eliminate cultural bias in HOF frameworks through First Nations consultation.
E. 3.	Mandate First Nations involvement in incident investigations and performance reviews.

E. 4.	Ensure cultural competency training for personnel involved with CER-regulated infrastructure on First Nations governance and decision-making.
E. 5.	Establish dedicated funding for First Nations-led safety initiatives.
E. 6.	Improve transparency in regulatory oversight and safety data-sharing with First Nations.

F. Management System and Contractor Management Topic Paper

Overview

The Management System and Contractor Management topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) to strengthen regulatory requirements for corporate management systems and contractor oversight. The Canada Energy Regulator (CER) is reviewing how management systems could align with best practices, integrate First Nations' governance and ancestral and generational land use principles, and ensure contractor compliance with regulatory and community expectations. This section explores how First Nations perspectives on management system improvements, contractor accountability, and oversight mechanisms can be incorporated into the OPR framework.

Analysis

Management systems must be transparent, accountable, and responsive to First Nations land stewardship values. Effective regulatory frameworks must ensure that First Nations are engaged in pipeline planning, risk management, and environmental monitoring. Corporate management structures should integrate ancestral and generational land use principles into safety, environmental protection, and corporate decision-making. Additionally, clear accountability mechanisms must be established to ensure management systems respect First Nations rights and jurisdiction.

Contractor oversight has been identified as a critical area requiring reform. First Nations have expressed concerns about inconsistent contractor compliance with safety, environmental, and cultural protection protocols. Many contractors lack required cultural awareness training before operating on First Nations lands, which can lead to disregard for ancestral and generational knowledge and land use principles. First Nations stress that training programs should be First Nations-led and incorporate ancestral and generational land use principles to ensure contractors operate responsibly within First Nations territories. Additionally, First Nations have minimal involvement in contractor selection, evaluation, and oversight, creating gaps in accountability. Companies should be required to integrate First Nations representatives into compliance review processes to improve oversight.

Regulatory frameworks should establish clear, enforceable performance standards for contractors operating on First Nations lands. Performance criteria must align with First Nations governance priorities to ensure that safety, environmental, and cultural protections are upheld. Mechanisms for tracking compliance, reviewing contractor

performance, and ensuring consequences for violations must be included in the regulatory framework.

First Nations emphasize the need for structured oversight mechanisms, dispute resolution processes, and data-sharing requirements to improve transparency and ensure compliance. *Joint oversight committees* that include First Nations representatives should be established to monitor contractor performance and compliance. Compliance reviews and structured performance reporting must be conducted regularly, ensuring that contractors adhere to safety, environmental, and cultural protection obligations. Additionally, First Nations must have real-time access to compliance data, environmental monitoring reports, and safety audits. Data-sharing agreements must be developed to ensure explicit First Nations consent for the use of any data collected on their lands.

To effectively address disputes between contractors working for industry and First Nations, culturally appropriate dispute resolution frameworks should be implemented. These frameworks must ensure that conflicts are managed in a fair and transparent manner, respecting First Nations governance structures and dispute resolution methods.

Recommendations

Management systems must formally integrate First Nations governance principles to ensure policies respect First Nations jurisdiction, land stewardship practices, and rights. Companies must demonstrate how these principles are embedded in corporate decision-making and regulatory compliance strategies.

First Nations must be actively involved in management system design, with participation in risk assessments, emergency response planning, and ongoing compliance monitoring. Their leadership in these areas will ensure culturally informed safety and environmental protections that align with First Nations values and governance structures.

Contractors must be held to stronger accountability standards, with a requirement to complete First Nations-led cultural competency training before conducting any operations on First Nations lands. Additionally, contractors must adhere to First Nations-led environmental protection policies, ensuring operations respect community expectations and ecological preservation practices.

Joint oversight committees must be established, requiring the inclusion of First Nations representatives in contractor audits, compliance reviews, and regulatory monitoring. These committees will ensure that contractor operations are consistently evaluated against First Nations governance priorities and environmental safeguards.

Data transparency and access must be enhanced to allow First Nations real-time access to compliance data, safety audits, and incident reports. Clear protections for data sovereignty

must be in place to ensure First Nations control over the collection and use of information pertaining to their lands and communities.

Sustainable funding mechanisms must be secured to support First Nations oversight, ensuring long-term financial resources for First Nations-led inspections, training programs, and participation in regulatory decision-making. Without dedicated funding, meaningful engagement and oversight cannot be sustained.

Dispute resolution frameworks must be established to address conflicts between contractors and First Nations. These mechanisms must be culturally appropriate, ensuring that disputes are resolved in a fair, transparent, and community-driven manner that respects First Nations governance structures and traditional conflict resolution methods.

Key Recommendations

F. 1.	Require integration of First Nations governance structures in corporate management systems.
F. 2.	Mandate First Nations participation in contractor evaluation and oversight.
F. 3.	Ensure contractors undergo mandatory cultural awareness and environmental protection training.
F. 4.	Establish joint oversight committees to monitor compliance and conduct audits.
F. 5.	Enhance data transparency by providing First Nations with access to compliance reports.
F. 6.	Provide sustainable funding for First Nations participation in regulatory and monitoring activities.

G. Pipeline Integrity Topic Paper

Overview

The Pipeline Integrity topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) to enhance Canada Energy Regulator (CER) oversight of pipeline safety, design, and environmental risk management. The review considers expanding pipeline definitions, evaluating the risks of new pipeline technologies, addressing geohazards, improving storage facility oversight, and enhancing quality assurance programs. This section explores how First Nations perspectives on pipeline integrity, safety, and environmental protection can be incorporated into the regulatory framework.

Analysis

First Nations emphasize that pipeline integrity must be assessed using both scientific and ancestral and generational knowledge to ensure long-term safety, environmental sustainability, and protection of culturally significant areas. One of the primary concerns raised is the expansion of the onshore pipeline definition. While the inclusion of hydrogen and carbon dioxide is seen as a positive step, First Nations advocate for a broader definition that also includes methanol and ammonia. Aligning regulatory definitions with BC standards would ensure comprehensive oversight of all substances that pose potential risks to First Nations lands and waters.

Another key issue is the introduction of new pipeline technologies without established safety standards. There is significant concern that untested technologies could have unforeseen environmental consequences. First Nations stress the need for early and continuous consultation before these technologies are introduced. Additionally, communities require financial and technical support to conduct independent reviews of new pipeline materials and engineering methods. A formal approval process led by First Nations should be established to ensure that new technologies are thoroughly vetted before deployment, particularly in environmentally sensitive areas.

Pipeline design and geohazard risks remain areas of concern, particularly regarding pipeline routes that intersect with culturally significant sites, water sources, and sensitive ecosystems. Land Use Planning has a legal effect and must be a fundamental consideration in pipeline assessments. Integrating this into geohazard assessments ensures that regulatory decisions align with both environmental and First Nations land rights considerations. First Nations emphasize that Ancestral and Generational Land Use knowledge should be incorporated into geohazard assessments to improve risk mitigation strategies. There is strong advocacy for the creation of joint monitoring programs where First Nations and industry work collaboratively to track land stability, seismic activity, and erosion risks in pipeline corridors.

Storage facility/pump station oversight and emergency preparedness are also significant concerns. Many storage sites/pump stations are located near First Nation lands or Sites of Significant Interests, increasing the potential risk of spills, leaks, and inadequate response strategies. Companies should be required to demonstrate their emergency response capabilities in collaboration with First Nations. Response plans should be site-specific, integrating ancestral and generational knowledge and historical environmental data to enhance spill containment and mitigation strategies.

Recommendations

To strengthen pipeline integrity regulations, FNEMC recommends expanding the definition of onshore pipelines to ensure the CER includes methanol and ammonia. This expansion would align with BC regulatory standards and provide comprehensive oversight of hazardous substances, mitigating environmental risks and ensuring that regulatory frameworks are inclusive of all potentially hazardous materials.

First Nations approval should be mandated for new pipeline technologies through a formal review process before deployment. This process would assess potential environmental and cultural risks, requiring early and continuous engagement with First Nations to ensure that communities are well-informed and that their concerns are integrated into pipeline planning. This measure would ensure that untested technologies are rigorously assessed before they are introduced into environmentally sensitive areas.

Joint geohazard monitoring programs should be developed, integrating ancestral and generational knowledge into risk assessments to track seismic activity, permafrost degradation, and erosion risks. By leveraging First Nations expertise and collaborating with industry, these programs would provide a robust monitoring framework to anticipate and mitigate geohazard-related risks more effectively.

Storage facility and pump station oversight must be strengthened, requiring companies to demonstrate community-specific emergency response capabilities. First Nations should play an active role in spill containment planning, ensuring that response plans are tailored to local environmental and cultural conditions. Enhanced oversight would significantly improve preparedness and response measures, reducing the risk of catastrophic spills and ensuring swift action in the event of an incident.

Sustainable funding should be secured for First Nations oversight in pipeline integrity management. This would allocate resources for emergency preparedness, environmental monitoring, and long-term participation in regulatory programs. Providing stable and dedicated funding would enable First Nations to contribute meaningfully to pipeline oversight, ensuring that First Nations knowledge, environmental stewardship, and community protection remain at the core of pipeline integrity efforts.

Key Recommendations

G. 1.	Expand the definition of onshore pipelines to include methanol and ammonia.
G. 2.	Require First Nations approval for new, untested pipeline technologies.
G. 3.	Establish First Nations-led geohazard monitoring programs.
G. 4.	Strengthen storage facility/pump station oversight and spill containment measures.
G. 5.	Secure long-term funding for First Nations oversight in pipeline integrity management.

H. Reporting Harm Topic Paper

Overview

The Reporting Harm topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) to enhance incident reporting requirements, environmental harm notifications, and transparency in regulatory oversight. The Canada Energy Regulator (CER) is reviewing how reporting obligations should be expanded to include cultural and environmental impacts, Sites of Significant Interest (SSI), and real-time notifications for high-risk events. This section explores how First Nations perspectives on harm reporting, incident transparency, and regulatory accountability can be incorporated into the OPR framework.

Analysis

First Nations emphasize that the definition of an "incident" must be broadened to include long-term environmental harm, cultural impacts, and cumulative effects. Current regulatory definitions focus primarily on chemical spills, mechanical failures, and physical damage, but do not account for smaller-scale disturbances that can have lasting effects on culturally significant areas. Many First Nations believe that ongoing habitat degradation, soil disturbances, and disruption of ancestral and generational land use are often ignored because they do not meet the OPR's incident reporting thresholds. Expanding the definition of "reportable incidents" is essential to ensuring that First Nations' concerns are properly recorded and addressed. This broader definition will ensure that smaller disturbances contributing to cumulative harm are captured and addressed in regulatory decisions.

Sites of Significant Interest (SSI) remain a key priority for First Nations, as these areas often contain burial grounds, ceremonial sites, ecologically sensitive landscapes, and traditional harvesting areas. First Nations stress that any activity that could impact an SSI must require mandatory consultation and advance notification. The CER must establish legally binding protections that ensure operators engage with First Nations before conducting any activity that could disrupt these sites. Establishing legal mandates for site protection will prevent the irreversible loss of significant cultural and environmental locations and reinforce trust between regulatory bodies and First Nations communities.

Another major gap in current reporting requirements is the lack of consideration for non-chemical environmental effects. While spills and leaks are documented, physical disturbances such as erosion, noise pollution, excessive vibrations, and habitat destruction are not always reported despite their potential to harm wildlife and First Nations' ancestral and generational land use practices. The CER must require reporting for all activities that result in environmental degradation, even if they do not involve hazardous

substances. By ensuring that physical environmental effects are reported, First Nations can contribute to mitigation planning and environmental restoration efforts.

The cumulative effects of ongoing industrial development pose a significant and growing concern for First Nations communities. The Metlakatla CEM Report highlights the extensive environmental and cultural impacts resulting from continuous development in Prince Rupert Harbor. First Nations have likened these incremental harms to a "death by a thousand lashes," emphasizing the urgent need for regulatory recognition of cumulative effects. Without proper oversight, the degradation of lands, waterways, and ecosystems continues unchecked, eroding traditional practices, food sources, and cultural heritage. The CER must establish clearer guidelines and reporting obligations to ensure that the cumulative effects of multiple projects are accounted for within regulatory decision-making. The CER is encouraged to review the [Metlakatla Synopsis Report of 2019](#). Recognizing cumulative effects as a reportable harm will ensure that regulatory decisions take into account long-term environmental and cultural impacts rather than assessing each project in isolation.

The interconnection between land and marine environments is central to the identity, livelihood, and governance of First Nations. Historically, commerce and trade networks linked ocean and land-based communities, creating an integrated system of resource use. Marine use planning, therefore, must be considered alongside land use planning in any regulatory decision-making process. The absence of marine use considerations in project planning risks disrupting these ancestral relationships and ignoring the full scope of environmental and cultural impacts. Furthermore, marine use planning has direct implications for land-based CER-regulated projects, as changes in one system invariably affect the other. First Nations assert that regulatory bodies must adopt a holistic approach that reflects the inseparability of land and marine environments and ensures meaningful consultation in both domains. Integrating marine use planning into regulatory frameworks will help safeguard ancestral trade routes, marine ecosystems, and cultural heritage sites that depend on sustainable environmental stewardship.

First Nations have also identified concerns regarding loss of operational view and control, a term used to describe situations where pipeline operators lose real-time visibility or control over infrastructure due to mechanical failures or remote communication breakdowns. These incidents can pose significant risks to water sources, wildlife habitats, and communities. First Nations advocate for a mandatory notification protocol that alerts communities immediately when operational control is lost so that local knowledge can be leveraged to assess risks and respond appropriately. Ensuring real-time notification will allow First Nations to respond proactively to prevent harm and mitigate potential environmental damage.

Another significant concern is the lack of mandatory reporting for high-potential near misses. Incidents that "almost" resulted in significant harm are not systematically recorded, making it difficult to identify recurring risks and implement preventative

measures. First Nations have consistently emphasized the need for greater transparency in incident reporting, which must include high-potential near misses. Reports should be timely, detailed, and accessible to First Nations, particularly when they involve areas near culturally significant sites. Each report must include specific details on site impacts, mitigation strategies, and ongoing monitoring efforts to ensure accountability and trust in the regulatory process.

Securing sustainable funding for First Nations participation in harm reporting, environmental monitoring, and regulatory enforcement is essential. Without financial support, First Nations oversight efforts are severely limited, and meaningful participation becomes difficult to sustain. Establishing dedicated funding mechanisms will allow First Nations to consistently engage in regulatory processes, contribute expertise, and hold industry operators accountable for environmental and cultural impacts.

Recommendations

The CER must establish clear regulatory guidelines and reporting obligations to ensure cumulative effects are recognized as a reportable harm. Assessing projects in isolation fails to account for the long-term environmental and cultural impacts on First Nations lands and waters. By incorporating cumulative effects into decision-making, the CER can better protect ecosystems, traditional practices, and food sources from gradual degradation.

A comprehensive approach to land and marine use planning must be implemented within regulatory frameworks to address the interconnectivity of these environments. The absence of marine use considerations in project assessments undermines the environmental and cultural significance of traditional trade routes and ecosystems. First Nations must be actively consulted in the development of regulatory policies that reflect the inherent connection between land and water-based economies and governance structures.

The CER must broaden the definition of reportable incidents to include long-term environmental harm, cultural damage, and cumulative effects. This expansion will ensure that smaller but significant disturbances are properly documented and addressed.

Protections for Sites of Significant Interest must be legally mandated, requiring consultation and advance notification before any activity that could impact these culturally significant areas. Legal safeguards must be put in place to prevent their destruction.

Non-chemical environmental disturbances such as erosion, excessive noise, and habitat destruction must be classified as reportable incidents, with specific requirements for monitoring and mitigation.

A real-time notification protocol must be established so that First Nations are immediately informed when pipeline operators lose operational visibility or control. Early awareness will help mitigate potential environmental and cultural harm.

High-potential near misses must be systematically recorded and analyzed to improve safety measures and prevent future incidents. First Nations must have access to this data to inform decision-making.

Transparency in incident reporting must be enforced, requiring operators to provide timely and detailed reports on site-specific environmental and cultural impacts, mitigation efforts, and long-term monitoring commitments.

Sustainable funding must be secured to support First Nations participation in environmental oversight, harm reporting, and regulatory enforcement, ensuring their continued role in protecting ancestral lands and resources.

Key Recommendations

H. 1.	Establish clear regulatory guidelines and reporting obligations to ensure cumulative effects are formally recognized and assessed as a reportable harm.
H. 2.	Integrate land and marine use planning into regulatory decision-making, ensuring that First Nations are consulted on the interconnected impacts of industrial activities.
H. 3.	Broaden the definition of reportable incidents to include long-term environmental harm, cultural damage, and cumulative effects.
H. 4.	Mandate legal protections for Sites of Significant Interest, requiring consultation and advance notification for any potentially disruptive activities.
H. 5.	Require reporting of non-chemical environmental disturbances, such as erosion, excessive noise, and habitat destruction, with specific monitoring and mitigation strategies.
H. 6.	Implement a real-time notification protocol to ensure First Nations receive immediate alerts when pipeline operators lose operational control over infrastructure.
H. 7.	Enforce mandatory reporting of high-potential near misses to enhance long-term risk mitigation and safety analysis.
H. 8.	Strengthen transparency in incident reporting, ensuring that operators provide timely and detailed site-specific reports accessible to First Nations.
H. 9.	Secure sustainable funding to support First Nations' active participation in environmental oversight, harm reporting, and regulatory enforcement.

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

Overview

This section examines proposed amendments to the Onshore Pipeline Regulations (OPR) that aim to enhance protections for First Nations rights and interests, socio-economic benefits, and engagement processes. The Canada Energy Regulator (CER) is considering how regulatory frameworks can better recognize First Nations governance, improve economic participation, and strengthen consultation obligations. This section explores how First Nations perspectives on rights protection, economic inclusion, and regulatory accountability can be integrated into the OPR framework.

Analysis

First Nations highlight significant gaps in rights protection, socio-economic planning, and meaningful engagement, pointing to a need for systemic reforms that prioritize First Nations authority and long-term well-being.

A critical aspect of these discussions is the recognition of Title, which encompasses the inherent and legal rights of First Nations over their lands and resources. **In addition to unceded Rights and Title, First Nations in British Columbia also hold rights affirmed under the Douglas treaties, Treaty No. 8 and modern treaties, which must be upheld within regulatory and governance structures.** First Nations emphasize that **both Title and treaty rights** must be formally acknowledged and integrated into regulatory frameworks to ensure governance structures reflect the full scope of **First Nations** jurisdiction. Strengthening the recognition of Title and treaty rights would enhance First Nations' legal standing in decision-making processes and provide greater assurances for the protection of their lands and rights.

Pipeline projects pose both direct and indirect threats to First Nations' rights and interests. The current regulatory focus is on mitigating harm after it has occurred, rather than preventing it. First Nations have called for the creation of a First Nations Rights Protection Framework, which would establish clear, enforceable measures to prevent, mitigate, and remedy harm. Such a framework would ensure that **First Nations legal orders, including rights affirmed under the Douglas treaties, Treaty No. 8 and modern treaties, are recognized alongside federal and provincial laws**, and that their governance and decision-making are legally binding within pipeline regulatory processes. This framework would also strengthen impact assessment criteria, ensuring that cultural, environmental, and socio-economic risks are fully evaluated before project approvals.

First Nations emphasize that consultation and engagement should not be treated as a regulatory formality but must be deeply integrated into corporate management systems. Many First Nations stress that companies must undergo Nation-specific cultural competency training, ensuring that corporate representatives fully understand each Nation's governance structures, treaty rights (where applicable), legal traditions, and land stewardship practices. Generic First Nations awareness programs are insufficient; training must be tailored to reflect the unique legal, cultural, and environmental values of each Nation. Companies should also be required to incorporate First Nations legal frameworks into their operational decision-making, ensuring alignment between corporate actions and First Nations governance.

Pipeline projects impact First Nations communities throughout their entire lifecycle, not just during the construction phase. Many First Nations have repeatedly called for mandatory revenue-sharing agreements, ensuring that impacted Nations, including those affected by marine shipping of the product, receive a fair and consistent share of economic benefits. Revenue-sharing models should be tied to pipeline throughput or project revenues, guaranteeing that economic returns continue for the duration of pipeline operations. Additionally, First Nations have emphasized the importance of equity participation in pipeline projects, allowing communities to benefit as active financial stakeholders rather than passive recipients of limited short-term compensation.

Economic participation must extend beyond temporary construction jobs - First Nations must have access to long-term employment and training opportunities, providing stable careers in the energy sector. Procurement policies must prioritize First Nations-owned businesses, ensuring that pipeline-related economic benefits remain within affected communities. First Nations also emphasize the need for community-based economic transition planning, ensuring that First Nations economies are supported beyond the operational phase of pipeline projects and are not left with economic hardship after pipeline decommissioning.

Consultation and engagement requirements must be restructured to recognize First Nations authority over their lands and decision-making processes. First Nations indicate that many experience consultation as a checklist requirement rather than a substantive process of mutual respect and cooperation. To improve engagement, First Nations recommend the creation of formalized, legally binding agreements between First Nations and industry, ensuring that engagement is conducted on First Nations' terms. These agreements must be legally enforceable through CER regulations, preventing companies from failing to uphold commitments made during consultation. Furthermore, First Nations must be provided with *early-stage funding* to hire independent legal, technical, and economic advisors, *allowing them to engage in negotiations from an informed and empowered position.*

A major concern raised by First Nations is that current enforcement mechanisms are inadequate, allowing companies to bypass commitments made to First Nations without

consequence. Many First Nations report concerns that commitments related to economic benefits, consultation agreements, and environmental protections are not always fully upheld. To address this, First Nations propose stronger oversight mechanisms, including independent First Nations monitoring teams responsible for tracking company compliance. Additionally, First Nations emphasize the need for graduated penalties for non-compliance, ranging from financial penalties to permit suspensions and, in severe cases, project shutdowns for repeated violations. Public reporting of company compliance records must also be required, ensuring that companies with poor compliance records are subject to stricter regulatory scrutiny.

Recommendations

To strengthen protections for First Nations rights, economic interests, and engagement, FNEMC recommends:

To enhance protections for First Nations rights and governance, the CER must develop a *First Nations Rights Protection Framework* that establishes legally enforceable measures to prevent harm. This framework should integrate First Nations legal orders into pipeline regulation to ensure that First Nations governance structures are recognized and upheld. Additionally, impact assessment criteria should be strengthened to fully evaluate cultural, environmental, and socio-economic risks before project approvals.

The CER must ensure meaningful consultation and accommodation by mandating legally binding Nation-to-Nation agreements, which would prevent companies from disregarding commitments made during consultation. Early-stage funding must be provided to support First Nations participation in regulatory processes, including hiring independent legal, technical, and economic advisors. Furthermore, First Nations decisions must be recognized as legally enforceable within the CER framework.

To secure financial benefits for First Nations, the CER should implement mandatory revenue-sharing agreements, requiring pipeline companies to share project revenues with impacted First Nations as part of their regulatory obligations. These financial benefits must be equitably distributed over the lifetime of the project, rather than being limited to the construction phase.

The CER should require First Nations equity participation opportunities by mandating that companies provide First Nations with the option to participate as equity partners in pipeline projects. This measure would ensure long-term economic empowerment by enabling First Nations to take on active financial roles in project development and operations.

To strengthen industry accountability, the CER must mandate First Nations involvement in compliance and oversight. Independent First Nations monitoring teams should be responsible for tracking company compliance with environmental and social

commitments, and these teams must have the authority to recommend and impose corrective actions where necessary.

To enforce compliance, the CER must introduce structured penalties for non-compliance, including financial penalties, permit suspensions, and, in severe cases, project shutdowns for repeated violations. Additionally, companies should be required to publicly disclose compliance records, revenue-sharing agreements, and consultation commitments to ensure transparency and accountability.

The CER must enhance public transparency in regulatory decisions by requiring companies to disclose compliance records and consultation commitments to First Nations impacted. Ensuring that regulatory processes remain transparent and accessible to First Nations is crucial for maintaining trust and accountability.

Key Recommendations

I. 1.	Develop a First Nations Rights Protection Framework to establish enforceable protections integrating First Nations legal orders into pipeline regulation.
I. 2.	Ensure Meaningful Consultation and Accommodation by mandating legally binding Nation-to-Nation agreements and early-stage funding for First Nations participation.
I. 3.	Implement Mandatory Revenue-Sharing Agreements to require pipeline companies to equitably distribute project revenues with impacted First Nations.
I. 4.	Require First Nations Equity Participation Opportunities to mandate that companies provide First Nations with options to participate as equity partners.
I. 5.	Mandate First Nations Involvement in Compliance and Oversight to ensure First Nations have formal authority to monitor compliance and recommend corrective actions.
I. 6.	Strengthen Regulatory Enforcement Mechanisms to introduce structured penalties for non-compliance with consultation, environmental, and economic obligations.
I. 7.	Enhance Public Transparency in Regulatory Decisions to require companies to disclose compliance records, revenue-sharing agreements, and consultation commitments.

J. Safety Topic Paper

Overview

The Safety topic paper examines proposed amendments to the Onshore Pipeline Regulations (OPR) aimed at enhancing pipeline integrity, risk mitigation, and regulatory oversight. The Canada Energy Regulator (CER) is reviewing how safety regulations can be improved to strengthen pipeline monitoring, leak detection, and emergency response systems. The amendments seek to clarify technical safety requirements, improve hazard detection and warning systems, and enhance inspection and maintenance protocols for pipeline operations. This section explores how First Nations perspectives on pipeline safety, regulatory accountability, and risk management can be integrated into the OPR framework.

Analysis

First Nations stress that pipeline safety management must be comprehensive, ensuring that risk assessment, structural integrity, and emergency preparedness are prioritized within the regulatory framework. The current approach to pipeline safety often relies on industry self-regulation, with insufficient external oversight and engagement with First Nations.

Pipeline integrity is a critical component of the regulatory review, requiring regular inspections, real-time monitoring, and proactive risk management strategies. This aligns with First Nations' call for enhanced and consistent monitoring frameworks across all stages of pipeline safety, ensuring that early detection, preventative measures, and long-term oversight are systematically implemented. First Nations emphasize that monitoring must incorporate both engineering best practices and Ancestral and generational knowledge to ensure safety standards align with local environmental conditions. Current industry safety frameworks do not sufficiently integrate First Nations participation in inspections or hazard identification. To address this, regulatory requirements should mandate First Nations involvement in pipeline safety audits and monitoring programs.

The proposed amendments include improved leak detection technologies, stricter reporting requirements for safety incidents, and enhanced emergency response coordination. First Nations stress that early warning systems must incorporate local environmental monitoring and hazard detection methodologies. Ancestral and generational knowledge plays a key role in identifying land shifts, seismic activity, and changes in water flow that could indicate pipeline weaknesses or failures. Regulatory frameworks should recognize and integrate this expertise to enhance predictive safety measures.

Concerns have also been raised regarding pipeline maintenance and aging infrastructure. The CER has implemented regulatory measures such as integrity testing and corrosion prevention to address these risks. However, First Nations advocate for stricter oversight and increased transparency regarding aging pipeline conditions. They emphasize the need for a standardized and reinforced monitoring framework that ensures continuity across pipeline safety measures. This includes real-time integrity tracking, collaborative inspection protocols, and structured engagement with First Nations to ensure seamless safety evaluations and regulatory compliance. While the CER's current regulations provide a foundation, more structured engagement with First Nations is necessary to ensure the effectiveness of these safety measures.

Pipeline abandonment planning is another critical safety issue. The CER is proposing amendments to clarify post-abandonment safety obligations, but First Nations emphasize that abandoned pipelines continue to pose contamination risks, structural degradation hazards, and long-term environmental liabilities. First Nations recommend implementing long-term safety monitoring programs for abandoned pipelines to ensure that legacy risks are properly managed. These programs should include independent monitoring capabilities to track environmental conditions and prevent delayed safety failures.

Emergency preparedness and response coordination must also be improved. First Nations communities are often first responders when pipeline incidents occur, yet they frequently lack access to incident response data, emergency planning tools, or direct communication channels with regulatory agencies. To address this, First Nations must be formally integrated into emergency response planning, with dedicated training programs, real-time incident notifications, and regulatory authority to enforce safety protocols in high-risk areas.

Recommendations

To strengthen pipeline safety regulations and ensure First Nations perspectives are fully integrated into risk management, FNEMC recommends:

Mandate First Nations Participation in Pipeline Inspections – First Nations must be directly involved in pipeline integrity monitoring, safety audits, and risk assessments to ensure regulatory compliance.

Require Real-Time Leak Detection and Monitoring Systems – Pipeline operators must implement advanced leak detection technologies, with real-time data access for First Nations to enhance incident prevention.

Strengthen Oversight of Aging Pipelines – Mandatory integrity testing and corrosion prevention measures should be enforced to ensure aging pipeline systems do not create safety risks for First Nations lands and waters.

Establish Long-Term Safety Monitoring for Abandoned Pipelines – The CER must require long-term monitoring programs to ensure abandoned pipelines do not become environmental hazards. This should be integrated with broader safety monitoring initiatives to create a consistent oversight system that addresses both active and decommissioned pipeline risks. First Nations should have dedicated roles in these programs to ensure continuous environmental assessment and risk mitigation.

Formalize First Nations Participation in Emergency Response Planning – First Nations must be included in incident response coordination, with direct access to real-time incident reports and emergency preparedness resources.

Enhance Transparency in Pipeline Safety Reporting – While the CER currently requires some level of public disclosure on pipeline safety performance, risk assessments, and compliance records, First Nations emphasize the need for greater transparency and accessibility. Reporting mechanisms should be improved to ensure First Nations have direct access to relevant data, including real-time updates and culturally appropriate reporting formats.

Secure Sustainable Funding for First Nations Safety Initiatives – Long-term funding must be allocated to support First Nations engagement in safety monitoring, emergency preparedness, and regulatory enforcement.

Key Recommendations

J. 1.	Mandate First Nations participation in all pipeline safety inspections and monitoring programs.
J. 2.	Require real-time leak detection systems with First Nations access to monitoring data.
J. 3.	Enforce stricter oversight and maintenance requirements for aging pipelines.
J. 4.	Establish long-term safety monitoring programs for abandoned pipelines.
J. 5.	Formalize First Nations roles in emergency response planning and real-time incident reporting.
J. 6.	Increase transparency in pipeline safety performance and risk assessments.
J. 7.	Secure dedicated funding for First Nations involvement in pipeline safety initiatives.

K. Filing Manual: Environmental and Socio-Economic Assessment

Overview

The Environmental and Socio-Economic Assessment (ESA) topic paper examines proposed amendments to the Canada Energy Regulator (CER) Filing Manual, particularly regarding how environmental protection, socio-economic considerations, and cumulative effects assessments are incorporated into regulatory decision-making. The CER is reviewing how assessment methodologies can better integrate First Nations' rights, ancestral and generational knowledge, and environmental stewardship principles into pipeline impact assessments. This section outlines First Nations perspectives on strengthening environmental safeguards, improving socio-economic impact evaluations, and ensuring accountability in assessment processes.

Analysis

First Nations emphasize that current environmental and socio-economic assessments do not fully capture the long-term and cumulative impacts of pipeline development. Many First Nations experience persistent environmental degradation, disruption to ancestral and generational land use, and socio-economic disparities resulting from past and ongoing resource projects. The current regulatory framework often assesses projects in isolation, failing to recognize the cumulative effects of multiple projects over time on First Nations lands, rights, and ways of life.

Environmental Assessments

The ability of governments to exempt projects from environmental assessments has raised concerns about accountability and adherence to First Nations consent principles. Some recent exemptions, such as [wind power projects in British Columbia](#), illustrate how regulatory mechanisms can bypass environmental scrutiny despite commitments to reconciliation and sustainability. Ensuring that exemptions occur only with the full consent of impacted First Nations is crucial to maintaining the integrity of environmental assessment processes.

Environmental protection measures must align with First Nations governance systems and land stewardship practices. Many communities have reported that pipeline projects disrupt water systems, wildlife migration patterns, and culturally significant sites. However, the current ESA process does not require meaningful inclusion of First Nations ancestral and generational knowledge in environmental risk assessments. First Nations strongly advocate for mandatory inclusion of First Nations-led environmental impact assessments (EIA) that incorporate ancestral and generational knowledge alongside western scientific

methodologies. These assessments should recognize First Nations jurisdiction over environmental protection on their lands, ensuring that pipeline operators comply with First Nations environmental policies and regulations. Additionally, proactive and ongoing environmental monitoring, with First Nations-led monitoring teams involved throughout all project phases, must be implemented.

A strong precedent for First Nations-led environmental assessments is the Woodfibre LNG project, where the Squamish Nation Environmental Assessment Agreement established a legally binding First Nations-led environmental review. The agreement required compliance with Squamish Nation's environmental conditions, including project design changes to reduce emissions. The model demonstrates that First Nations-led environmental assessment frameworks are viable and enforceable, aligning with FNEMC's call for stronger First Nations regulatory authority in pipeline assessments.

Separation of First Nations Rights and Socio-Economic Assessments

The CER's proposal to create a distinct 'Rights and Interests of First Nations Peoples' section has been widely supported for improving clarity and ensuring a more focused approach to First Nations rights within regulatory decision-making. By separating First Nations rights from socio-economic assessments, this approach provides dedicated attention to First Nations governance, land stewardship, and cultural sustainability. It enhances the visibility of First Nations perspectives while ensuring socio-economic and environmental factors are evaluated independently.

While this restructuring strengthens focus and accountability, First Nations emphasize that their **Rights, Title, and treaty rights** must remain integrated across all aspects of environmental and socio-economic assessments rather than being treated in isolation. **This includes recognizing obligations under the Douglas treaties, Treaty No. 8 and modern treaties, which establish enforceable rights to land, governance, and decision-making.** This restructuring is expected to enhance clarity and provide a more focused approach to **First Nations** rights within regulatory decision-making.

Valued Components

First Nations must also be involved in defining Valued Components (VCs) to ensure that culturally significant species, sacred sites, and traditional land-use areas are incorporated into ESA decision-making. An example of this is the [Metlakatla CEM Program](#). The CER must require project applicants to document how First Nations knowledge shaped the selection of VCs and demonstrate how it influenced environmental and socio-economic assessments.

Cumulative Effects Assessments

Cumulative effects assessments (CEAs) must be expanded to account for climate change, intergenerational land use, and historical impacts from multiple industrial projects. The current framework underestimates the extent of long-term environmental damage and socio-economic disruptions. First Nations recommend regional-scale environmental and socio-economic impact studies that incorporate long-term tracking of cumulative effects. These assessments must ensure that past, present, and future developments are considered in ESA decision-making.

The significance criteria used in ESA decision-making must also be refined to ensure that First Nations perspectives are properly reflected. [The NorthRiver Midstream NEBC Connector GP Inc. Appendix 7 framework](#) provides a structured approach that accounts for magnitude, duration, and cumulative effects, but it must be adapted to reflect First Nations' governance, land use priorities, and cultural rights. The CER must require First Nations-led audits of project impacts to ensure significance determinations align with First Nations worldviews.

Separation of Social and Economic Assessments

The separation of social and economic assessments is seen as an improvement to ensure that social impacts are given equal consideration in regulatory decision-making. Historically, economic considerations have overshadowed critical social factors, including risks faced by First Nations women and community members due to increased transient workforces or the impact of large work forces in remote communities that strain the existing healthcare system used by First Nations. By establishing distinct assessments, social factors, such as gender-specific risks, community safety, and cultural sustainability, can receive the focused and equitable evaluation they require within regulatory frameworks. The restructuring of the ESA section must ensure that this separation enhances the visibility of social impacts rather than diminishing them. The CER must take steps to guarantee that socio-economic assessments remain comprehensive, with social sustainability given the same priority as economic development, including risks faced by First Nations women and community members due to increased transient workforces.

There is also a significant gap in enforcement mechanisms ensuring that ESA commitments are upheld. While companies submit environmental and socio-economic impact reports, there are few mechanisms ensuring that mitigation measures are implemented. Regular compliance audits and reporting must be required, with First Nations-led oversight committees ensuring that environmental and socio-economic commitments are fulfilled. First Nations-led environmental monitoring teams must have real-time data-sharing agreements in place to track ESA compliance effectively.

Recommendations

To strengthen the Environmental and Socio-Economic Assessment process, FNEMC recommends:

Expand First Nations-Led Decision-Making. Regulatory frameworks must formally recognize First Nations governance and jurisdiction over environmental and socio-economic assessments, ensuring their decision-making authority is upheld at every stage of the process.

Separate Social and Economic Assessments. Ensure that social and economic considerations are assessed independently to prevent economic factors from overshadowing critical social impacts, including gender-specific risks, community safety, and long-term cultural sustainability.

Ensure First Nations Rights, Title, Treaty Rights, and Interests Integration. While establishing a distinct section for First Nations Rights, Title, and Interests improves visibility, regulatory frameworks must ensure these considerations remain integrated across environmental and socio-economic assessments to maintain a holistic approach.

Strengthen Oversight of Project Exemptions. Regulatory processes must include clear mechanisms to prevent projects from being exempted from environmental assessments without the full consent of affected First Nations, ensuring transparency and accountability in decision-making.

Mandate First Nations-Led Environmental Assessments. First Nations must have the authority to lead environmental impact assessments that incorporate ancestral and generational knowledge, cultural values, and First Nations legal frameworks, ensuring that assessments align with First Nations environmental stewardship practices.

Strengthen Socio-Economic Impact Evaluations. ESA regulations must require full lifecycle assessments, ensuring that both short-term and long-term socio-economic impacts, including effects on employment, housing, healthcare, and cultural practices, are considered in project approvals.

Require Long-Term Community Investment Agreements. Pipeline operators must commit to sustained economic investments in impacted First Nations communities, including employment, business partnerships, workforce training programs, and long-term infrastructure development.

Enhance Cumulative Effects Monitoring. The CER must develop regional-scale cumulative effects assessments, ensuring that regulatory decisions reflect the long-term

environmental and socio-economic impacts of multiple industrial projects, including climate change considerations and intergenerational land use impacts.

Ensure First Nations Oversight of ESA Compliance. First Nations must have a formal role in monitoring and enforcing ESA commitments, ensuring that companies follow through on their mitigation measures, regulatory obligations, and long-term socio-economic responsibilities.

Improve Transparency and Accessibility of ESA Reporting. Pipeline operators must provide clear, accessible, and regularly updated ESA reports to First Nations communities, ensuring they have full knowledge of potential environmental and socio-economic risks, including real-time data-sharing agreements.

Key Recommendations

K. 1.	Mandate First Nations-led environmental and socio-economic impact assessments.
K. 2.	Require pipeline companies to commit to long-term community investment agreements.
K. 3.	Ensure cumulative effects assessments evaluate regional and long-term impacts, including climate change considerations.
K. 4.	Establish First Nations oversight committees to monitor compliance with ESA commitments.
K. 5.	Ensure First Nations participation in selecting Valued Components for assessment.
K. 6.	Separate Social and Economic Assessments – Ensure that social and economic considerations are assessed independently.
K. 7.	Ensure First Nations Rights, Title Treaty Rights, and Interests are Integral throughout the Filing Manual sections.
K. 8.	Strengthen Oversight of Project Exemptions to include the require for full consent of affected First Nations.
K. 9.	Enhance Cumulative Effects Monitoring through the development of regional-scale cumulative effects assessments
K. 10.	Improve Transparency and Accessibility of ESA Reporting

L. Filing Manual: Lands Topic Paper

Overview

The Lands topic paper examines proposed amendments to the Canada Energy Regulator (CER) Filing Manual, focusing on how Crown lands are selected, acquired, and managed for pipeline projects. The CER is reviewing how land acquisition processes can better incorporate First Nations land rights, ancestral and generational knowledge, and governance systems into pipeline development. This section outlines First Nations perspectives on strengthening land protection measures, ensuring early engagement in Crown land transactions, enforcing legal commitments to First Nations land use rights, and aligning land policies with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Analysis

First Nations emphasize that Crown land use decisions often proceed without their full participation, despite the fact that many of these lands are within unceded territories, Treaty lands, or areas of significant cultural importance. First Nations raised concerns that current land acquisition frameworks fail to meaningfully involve them in decision-making, resulting in land loss, restricted access to ancestral and generational territories, and inadequate compensation for environmental and cultural impacts. UNDRIP provides an internationally recognized framework that reinforces FNEMC's position that Crown land acquisition must respect First Nations rights, self-governance, and Free, Prior, and Informed Consent (FPIC).

The [FNEMC Critical Minerals Strategy](#) highlights similar concerns regarding land acquisition processes that fail to fully integrate First Nations governance and oversight. The strategy underscores the importance of ensuring that resource development, including land transactions, aligns with First Nations' environmental stewardship principles and legal rights, reinforcing the need for strengthened consultation frameworks.

Legal Gaps and Justification for Reform

While Canadian laws recognize First Nations rights in land acquisition and management, critical gaps remain in enforcement and implementation. The following legal frameworks provide a foundation but require stronger protections to align with First Nations governance principles:

- [Canada Energy Regulator Act](#): Requires consultation with First Nations communities but does not enforce Free, Prior, and Informed Consent (FPIC), leaving final land use decisions with regulators.

- [Impact Assessment Act](#): Mandates consideration of First Nations knowledge and potential project impacts but lacks binding mechanisms requiring First Nations approval.
- [Section 35 of the Constitution Act, 1982](#): Recognizes and affirms First Nations and treaty rights, yet court rulings have only mandated consultation, not a First Nations veto over land decisions.
- [United Nations Declaration on the Rights of Indigenous Peoples Act](#): Commits Canada to aligning laws with UNDRIP, yet full implementation remains incomplete, and FPIC is inconsistently enforced.

These gaps result in non-binding consultation processes where First Nations' input is heard but not necessarily acted upon, inadequate compensation models that fail to account for cultural, environmental, and long-term economic impacts, regulatory decisions favoring industry interests that limit First Nations' recourse to challenge land acquisitions, and weak enforcement of land restoration commitments leading to environmental degradation post-project. Stronger regulatory enforcement, binding consultation agreements, and First Nations-led oversight mechanisms in land acquisition processes are necessary to address these deficiencies.

First Nations Involvement in Crown Land Selection and Acquisition

First Nations stress that land selection and acquisition for pipeline projects must align with First Nations governance systems and land stewardship principles. Many communities have reported that Crown lands are leased or transferred to pipeline companies without meaningful First Nations consultation, leading to disputes over land use, environmental degradation, and loss of ancestral and generational access. UNDRIP Article 19 requires that governments obtain Free, Prior, and Informed Consent (FPIC) before approving measures affecting First Nations lands and resources, which aligns with FNEMC's call for early and continuous First Nations consultation.

A significant example of First Nations-led land oversight is the collaboration between the Squamish Nation and the Woodfibre LNG project. The Squamish Nation developed a legally binding First Nations-led environmental review, ensuring that land use decisions reflected First Nations governance principles. This aligns with UNDRIP Article 32, which affirms First Nations' rights to control development on their lands. This model demonstrates that First Nations-led land assessment and oversight frameworks are viable and enforceable, aligning with FNEMC's call for stronger First Nations regulatory authority over Crown land decisions.

Strengthening Land Agreements and Legal Oversight

First Nations have consistently raised concerns that pipeline-related land agreements lack enforceable protections for First Nations land use rights. Many land use agreements do not

contain binding commitments to restore lands post-project, maintain First Nations land access, or address long-term environmental risks. UNDRIP mandates that First Nations land rights be legally recognized and protected, which supports FNEMC’s call for stronger legal oversight in Crown land use agreements. To improve accountability in Crown land transactions, key reforms are needed in legal oversight, consultation requirements, and environmental stewardship. These reforms should focus on ensuring First Nations governance, compliance with land-use policies, and sustainable management of Crown lands.

Recommendations

To strengthen land acquisition and management processes for Crown lands, FNEMC recommends:

Mandate First Nations Consultation in Crown Land Allocation – The CER must require early and continuous consultation with First Nations before Crown land is designated for pipeline projects.

Strengthen Legal Protections for First Nations Land Rights – Crown land use agreements must contain legally binding commitments ensuring First Nations land access, compensation, and environmental restoration.

Require First Nations-Led Land Monitoring and Oversight – First Nations must have a formal role in monitoring land agreements, ensuring that commitments made by pipeline companies and regulatory bodies are upheld.

Adopt First Nations-Led Land Valuation Models – Compensation for Crown land use must account for cultural, environmental, and ancestral and generational land use impacts, not just market value, incorporating economic independence, cultural continuity, and ecological sustainability.

Prevent Forced Land Surrenders and Expropriation – First Nations must have the legal right to reject Crown land allocations that do not align with their governance priorities and land stewardship principles, as affirmed in UNDRIP Articles 19, 26, and 32.

Key Recommendations

L. 1.	Acknowledge First Nations Jurisdiction: Ensure legal recognition and active enforcement of First Nations’ jurisdiction over Crown lands.
L. 2.	Joint Land-Use Planning: Formalize shared land-use agreements with decision-making and dispute resolution mechanisms.
L. 3.	Mandate Consultation: Require early, continuous consultation with First Nations before land allocation for pipeline projects.

L. 4.	Strengthen Legal Protections: Ensure enforceable land agreements with compensation and stewardship clauses.
L. 5.	First Nations-Led Monitoring: Establish First Nations-led bodies with authority to oversee land use and ensure compliance.
L. 6.	Adopt First Nations Valuation Models: Use First Nations-led assessments to value land, considering cultural and environmental impacts.
L. 7.	Prevent Forced Land Surrenders: Reform laws to require explicit consent from First Nations for land transfers or development.

M. Filing Manual: Rights and Interests of Indigenous Peoples

Overview

The Rights and Interests of Indigenous Peoples topic paper examines proposed amendments to the Canada Energy Regulator (CER) Filing Manual, particularly how regulatory processes can better align with First Nation rights, consultation requirements, monitoring responsibilities, and cultural protection. The CER is reviewing how to enhance First Nation participation in project assessments, ensure compliance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and establish enforceable mechanisms for First Nation engagement. This section outlines First Nation perspectives on strengthening consultation, ensuring First Nation-led assessments, enforcing compliance mechanisms, protecting culturally significant sites, and securing financial and technical capacity for First Nation participation.

Analysis

The current CER framework for consultation and regulatory decision-making does not fully address the rights of First Nations. While the Filing Manual includes provisions for engagement, there are no mechanisms ensuring that First Nations' concerns are integrated into decision-making. As a result, projects often proceed despite opposition, inadequate consultation, and limited recognition of First Nation governance systems.

The absence of mandatory First Nation-led assessments remains a significant concern. Many First Nation have reported that existing environmental, socio-economic, and cultural impact assessments do not incorporate ancestral and generational knowledge meaningfully. There are also challenges in aligning First Nation-led assessments with regulatory timelines, often leading to their exclusion from formal project evaluations. Regulatory decision-making must fully integrate First Nation governance structures, allowing First Nation to define the scope, criteria, and outcomes of impact assessments. Greater flexibility in regulatory timelines is required to ensure ancestral and generational knowledge is not excluded from decision-making.

Consultation remains a procedural formality rather than a meaningful engagement process. First Nation have reported that project proponents set the terms of consultation, limiting opportunities for substantive dialogue. While the CER requires consultation, there is no legal requirement that a project must have First Nation' approval before proceeding. Additionally, the CER should *not accept an application as complete* without first verifying with the First Nation that consultation has been properly concluded. This would ensure that the timeline for the CER to hear the project is not set in motion prematurely, allowing for genuine engagement and resolution of concerns. This results in situations where

consultation takes place, concerns are raised, but projects move forward regardless. Consultation should evolve toward co-management agreements, ensuring First Nation play an equal role in decision-making. Legally binding agreements must be established to prevent projects from proceeding without addressing First Nation' concerns. Early engagement at the project planning stage is necessary to avoid last-minute consultation processes that fail to reflect First Nation perspectives.

The need for First Nation-led monitoring and oversight is also critical. Many communities have highlighted the lack of a structured framework ensuring First Nation involvement in compliance enforcement during project construction, operations, and decommissioning. Establishing First Nation-led monitoring teams with compliance authority would allow for independent oversight. There must also be financial commitments from project proponents or the federal government to fund these monitoring initiatives. Additionally, enforcement measures should allow First Nation to trigger regulatory reviews and corrective actions if projects fail to uphold consultation agreements, land-use restrictions, or environmental commitments.

Culturally significant sites continue to be at risk due to inadequate protection measures. First Nation have reported that pipeline routing decisions are made without First Nation input, leading to the destruction of burial sites, sacred lands, and ancestral and generational territories. To prevent this, legally binding cultural protection policies should be established. Pipeline routes must avoid culturally significant areas, with First Nation-led site assessments determining what requires protection. Compensation and restoration mechanisms should be guided by First Nation, ensuring that remediation efforts reflect First Nation priorities.

Many First Nation lack the financial and technical resources required for full participation in regulatory processes. *Limited funding* for independent environmental reviews, legal assessments, and compliance monitoring places First Nation communities at a disadvantage in negotiations with industry and government regulators. Dedicated funding must be established to support First Nation' ability to engage in project evaluations and governance. Technical training programs should also be developed to build First Nation expertise in regulatory review, environmental assessment, and compliance monitoring. Long-term financial commitments from project proponents and/or the federal government are necessary to ensure sustained First Nation participation in regulatory oversight.

Recommendations

To strengthen the recognition and protection of First Nation rights, the following actions must be taken:

The CER must ensure that no application is considered complete until it verifies with the affected First Nation that consultation has been properly concluded. This requirement will prevent premature project timelines from being set in motion and will ensure that First

Nation concerns are addressed before regulatory processes advance. By delaying the official acceptance of applications until consultation is meaningfully completed, the CER can promote a more equitable and transparent decision-making process, aligning with Free, Prior, and Informed Consent (FPIC) principles and ensuring stronger First Nation participation in project assessments.

First Nation-led environmental, socio-economic, and cultural impact assessments must be legally recognized and fully integrated into project evaluations. These assessments provide a critical perspective on potential impacts to First Nation communities, land, and cultural heritage. Regulatory decision-making must prioritize First Nation-defined criteria, ensuring that their governance structures shape the scope and outcomes of impact assessments. Legal recognition of these assessments will strengthen First Nation authority in the evaluation process and ensure that projects respect the knowledge and lived experiences of First Nation peoples.

Consultation agreements must be legally binding and enforceable, preventing projects from proceeding without First Nation approval. The current CER framework does not legally require First Nation' consent before project approval. This recommendation seeks to ensure that consultation is not just procedural but grants First Nation actual decision-making authority, aligning with UNDRIP principles and Free, Prior, and Informed Consent (FPIC).

First Nation-led monitoring teams must be established with full oversight authority to enforce compliance throughout all project phases, from initial development to decommissioning. These teams will ensure that project proponents adhere to consultation agreements, environmental commitments, and land-use protections. By granting oversight authority to First Nations, the CER can ensure independent verification of compliance, empowering First Nation communities to take direct action when violations occur. Sustainable funding mechanisms should also be established to support these monitoring initiatives long term.

Dedicated and appropriately funded financial resources must be guaranteed to support First Nation participation in regulatory processes, including independent impact assessments, legal reviews, and technical studies. Many First Nation communities face financial barriers that limit their ability to engage meaningfully in these processes. Long-term funding commitments from project proponents and regulatory bodies will ensure that First Nation perspectives are fully represented. Without adequate financial support, First Nation voices remain marginalized, hindering their ability to protect their rights and lands effectively.

Culturally significant sites must be protected through First Nation-led site assessments and legally mandated avoidance measures. Pipeline routes and infrastructure projects must be planned in ways that prevent the destruction or disturbance of sacred lands, burial sites, and other culturally significant areas. First Nations must have decision-making

authority in identifying and designating these sites, ensuring that their cultural heritage is safeguarded. Compensation and restoration measures must be developed in cases where damage has occurred, guided by First Nation leadership and priorities.

Stronger enforcement and resolution mechanisms must be implemented to hold project proponents accountable for violations of consultation agreements, impact assessments, and land-use protections. These mechanisms should include legally binding penalties, dispute resolution bodies with First Nation representation, and processes that enable First Nations to initiate regulatory reviews. Without enforceable consequences, project proponents may continue to disregard First Nation concerns, leading to ongoing conflicts and environmental degradation. Strengthened enforcement measures will ensure that First Nations have real legal recourse when their rights and agreements are not upheld.

Long-term financial and technical resources must be provided to First Nation to build capacity for regulatory engagement, compliance monitoring, and environmental governance.

Key Recommendations

M. 1.	Mandate First Nation-led environmental, socio-economic, and cultural impact assessments in regulatory approvals.
M. 2.	Require CER to verify First Nation consultation completion before accepting applications to prevent premature project timelines.
M. 3.	Ensure that consultation agreements with First Nation are legally binding and enforceable.
M. 4.	Establish First Nation-led monitoring teams with oversight authority for compliance enforcement.
M. 5.	Guarantee dedicated financial resources to support First Nation' participation in regulatory processes.
M. 6.	Protect culturally significant sites through First Nation-led site assessments and mandatory avoidance measures.
M. 7.	Strengthen enforcement and dispute resolution mechanisms to uphold consultation agreements, impact assessments, and land-use protections.
M. 8.	Secure long-term financial and technical resources to support First Nation' capacity in regulatory engagement, compliance monitoring, and environmental governance.

N. Heritage Resources Management in Practice on CER-Regulated Projects

Overview

Ensuring the protection of First Nations ancestral and generational stewardship throughout the entire duration of a project is a fundamental priority that necessitates meaningful collaboration with First Nations. Effective engagement, regulatory integration, compliance oversight, and capacity-building measures are essential to safeguarding culturally significant sites, including burial grounds, ceremonial areas, and traditional land use sites. This section highlights key areas requiring improvements to enhance First Nations' participation in *Heritage Resource Management*, a term currently used by the CER but not endorsed by FNEMC, with an emphasis on strengthening engagement frameworks and regulatory mechanisms.

Analysis

First Nations engagement in ancestral and generational stewardship should begin at the earliest stages of project planning. Early involvement allows for a more comprehensive understanding of culturally significant sites and enables First Nations to contribute meaningfully to "heritage" assessments and site mitigation strategies. The existing regulatory framework does not fully integrate First Nations permitting systems, limiting First Nations' authority in decision-making processes regarding the protection of ancestral lands and sacred sites. Incorporating First Nations-led permitting systems into federal regulatory approvals would support a more inclusive approach.

The [Stó:lō Heritage Policy Manual](#) highlights the importance of recognizing First Nations' ownership and jurisdiction over heritage sites and artifacts. It reinforces that ancestral lands and sacred sites must be treated with respect and managed according to traditional protocols. The manual also emphasizes that First Nations should have the authority to determine the cultural value of sites, ensuring that heritage resources are safeguarded in accordance with long-standing traditions and values. This underscores the necessity for regulatory bodies to integrate First Nations-led permitting systems into their frameworks to uphold these principles.

First Nations-led monitoring programs serve as an effective mechanism to ensure compliance with "heritage" protection measures throughout the project lifecycle. However, there is currently insufficient institutional support and funding for these programs, which limits their implementation and effectiveness. Establishing dedicated resources and formalized agreements to support these programs would strengthen "heritage" site protection efforts.

Cultural awareness training remains an essential requirement for project personnel and contractors working in proximity to "heritage" sites. Many project teams lack an adequate understanding of "heritage" sensitivity, leading to unintended disturbances. Mandating comprehensive cultural awareness training would ensure greater respect for First Nations' cultural values and reduce risks to culturally significant sites.

Regulatory clarity remains a critical area requiring attention. Establishing standardized engagement protocols that define consultation timelines, expectations, and reporting mechanisms would promote consistency across projects. Current regulatory frameworks often generate uncertainty, leading to inconsistent consultation practices that weaken effective collaboration.

Furthermore, the CER must ensure that no application is considered complete until it verifies with the affected First Nation that "heritage" consultation has been properly concluded. This safeguard will prevent premature project timelines from advancing without adequate consideration of First Nation concerns. By delaying official acceptance of applications until meaningful consultation is finalized, the CER can promote an equitable and transparent decision-making process. This approach aligns with Free, Prior, and Informed Consent (FPIC) principles, ensuring that First Nations have a substantive role in project assessments before regulatory processes move forward.

Additionally, compliance mechanisms need to be reinforced. Weak enforcement and the absence of strong penalties for non-compliance create gaps in accountability. Strengthening oversight mechanisms and introducing more stringent penalties would deter non-compliance and improve protections for ancestral lands and sacred sites.

Finally, supporting First Nations' capacity to engage in ancestral and generational stewardship is critical. Many communities lack the financial and technical resources necessary to participate effectively in regulatory and monitoring processes. Providing targeted funding and technical support would empower First Nations to take a more active role in preserving and managing their ancestral lands and sacred sites.

Recommendations

To improve First Nations participation in ancestral and generational stewardship, several measures should be implemented. Early engagement with First Nations should be a mandatory component of project planning to ensure their contributions to "heritage" assessments and mitigation strategies. The regulatory framework should formally recognize First Nations permitting systems, allowing First Nations to exercise greater control over the management of ancestral lands and sacred sites.

To ensure a more transparent and equitable regulatory process, the CER must mandate that no application be deemed complete until it has verified with the affected First Nations that "heritage" consultation has been thoroughly conducted and finalized.

First Nations-led monitoring programs should be adequately funded and supported through formal agreements to enhance compliance with "heritage" protection measures. All project personnel and contractors should be required to complete cultural awareness training, ensuring an informed and respectful approach to the sensitivity of First Nations' ancestral lands and sacred sites. Standardized regulatory guidance should be established to provide clarity on engagement protocols, consultation expectations, and reporting requirements, promoting consistency across all projects.

Strengthening compliance mechanisms, including the introduction of stricter penalties for non-compliance, would enhance accountability and ensure that protections for ancestral lands and sacred sites are adhered to. Additionally, dedicated funding and resources should be provided to First Nations to build their capacity in ancestral and Generational Stewardship, enabling greater participation in regulatory processes and site monitoring.

Key Recommendations

N. 1.	Require early and meaningful First Nations engagement in heritage assessments and mitigation planning.
N. 2.	Integrate First Nations permitting systems into the regulatory framework.
N. 3.	Mandate CER verification that heritage consultation is complete before approving applications.
N. 4.	Fund and formalize First Nations-led monitoring programs to enhance compliance with heritage protections.
N. 5.	Require cultural awareness training for all project personnel and contractors.
N. 6.	Develop standardized regulatory guidance for engagement, consultation, and reporting.
N. 7.	Strengthen compliance mechanisms by introducing stricter penalties for non-compliance.
N. 8.	Provide dedicated funding and resources to build First Nations' capacity in ancestral and generational stewardship.

Concluding Remarks

This report underscores the urgent need for a transformative shift in Canada's regulatory framework to ensure First Nations governance, rights, and environmental stewardship are fully integrated into Crown decision-making processes. The recommendations outlined across various regulatory themes emphasize the importance of transparency, accountability, and First Nations leadership in the oversight and management of pipeline infrastructure and resource development.

A central theme throughout this report is the necessity for regulatory reforms that recognize and uphold the inherent and constitutionally protected rights of First Nations. The recognition of Aboriginal Rights and Title, **treaty rights under the Douglas treaties, Treaty No. 8 and modern treaties**, the principles of Free, Prior, and Informed Consent (FPIC), and the implementation of co-governance structures are fundamental to ensuring that First Nations are not merely consulted but are active decision-makers in resource governance.

Environmental protection remains a key priority, with the need for First Nations-led monitoring, stronger regulatory enforcement, and binding commitments to environmental restoration and land stewardship. The integration of ancestral and generational knowledge alongside scientific methods is essential for effective environmental management and long-term sustainability. Furthermore, the report highlights the critical need for structured financial mechanisms to support First Nations' participation in environmental oversight, emergency response, and compliance monitoring.

Economic equity is another crucial aspect of regulatory modernization. First Nations must have access to long-term economic opportunities, including revenue-sharing agreements, equity participation, and procurement policies that prioritize First Nations businesses. Regulatory reforms must ensure that First Nations communities benefit not just during the construction phase but throughout the full lifecycle of pipeline infrastructure.

Implementing these recommendations is not just about regulatory compliance - it is a pathway to a more effective, efficient, and sustainable resource management system. A framework built on trust, shared decision-making, and long-term partnerships will lead to better environmental outcomes, economic stability, and social cohesion. These changes will not only uphold legal and constitutional commitments but also create a more predictable, stable, and prosperous energy sector for all parties involved. By embedding First Nations governance and knowledge into the regulatory framework, Canada has the opportunity to set a global benchmark for responsible resource development that balances economic growth with environmental and social responsibility.

Appendix A – Key Recommendations

A. 1.	<i>Establish a depth of cover monitoring program that ensures compliance and environmental protection, with enhanced participation from First Nations.</i>
A. 2.	<i>Develop a revised definition of "ground disturbance" in collaboration with First Nations to include culturally significant sites.</i>
A. 3.	<i>Provide sustainable funding for First Nations-led monitoring, training, and compliance efforts.</i>
A. 4.	<i>Implement real-time data sharing and reporting mechanisms to enhance transparency and accessibility.</i>
A. 5.	<i>Strengthen protection measures for sacred and ecologically sensitive areas within depth of cover regulations.</i>
B. 1.	Ensure First Nations have decision-making authority in deactivation and reclamation processes.
B. 2.	Mandate full access to operational and environmental data related to decommissioned pipelines.
B. 3.	Secure financial commitments from pipeline operators for long-term site monitoring and remediation.
B. 4.	Incorporate First Nations-led environmental restoration strategies into deactivation policies.
B. 5.	Establish legally enforceable mechanisms requiring pipeline operators to restore lands impacted by decommissioned infrastructure.
B. 6.	Require a federal review of Deactivation End of Lifecycle processes for infrastructure originally under federal jurisdiction, even if it transitioned to provincial oversight.
C. 1.	Mandate First Nations' involvement in emergency planning, response, and decision-making, including ensuring Emergency Operations Centers (EOCs) are located within First Nations governance structures when incidents occur on their lands.
C. 2.	Require the protection of culturally significant sites in emergency response protocols.
C. 3.	Ensure timely, mandatory notification to First Nations for all CER-reportable incidents.
C. 4.	Provide sustainable funding for First Nations emergency response training and infrastructure.
C. 5.	Enhance data-sharing mechanisms to ensure First Nations have access to real-time emergency information.
C. 6.	Conduct mandatory joint emergency response drills with First Nations participation.
D. 1.	Establish First Nations monitoring authorities under IMARs with binding regulatory power and independent oversight free from industry influence.

D. 2.	Mandate real-time data sharing and immediate notification on contamination incidents to ensure transparency and accountability.
D. 3.	Secure sustainable federal funding for long-term First Nations environmental monitoring programs.
D. 4.	Ensure full legal access to pipeline routes and facilities for First Nations monitors to conduct effective oversight.
D. 5.	Implement co-governance structures that integrate First Nations decision-making into regulatory processes.
D. 6.	Require cumulative environmental impact assessments for all federally regulated infrastructure projects.
D. 7.	Fully integrate Guardian programs into environmental monitoring and enforcement frameworks.
D. 8.	Develop a hybrid monitoring model that blends ancestral and generational knowledge with technical expertise.
E. 1.	Require integration of ancestral and generational knowledge in workplace hazard assessments.
E. 2.	Eliminate cultural bias in HOF frameworks through First Nations consultation.
E. 3.	Mandate First Nations involvement in incident investigations and performance reviews.
E. 4.	Ensure cultural competency training for personnel involved with CER-regulated infrastructure on First Nations governance and decision-making.
E. 5.	Establish dedicated funding for First Nations-led safety initiatives.
E. 6.	Improve transparency in regulatory oversight and safety data-sharing with First Nations.
F. 1.	Require integration of First Nations governance structures in corporate management systems.
F. 2.	Mandate First Nations participation in contractor evaluation, and oversight.
F. 3.	Ensure contractors undergo mandatory cultural awareness and environmental protection training.
F. 4.	Establish joint oversight committees to monitor compliance and conduct audits.
F. 5.	Enhance data transparency by providing First Nations with access to compliance reports.
F. 6.	Provide sustainable funding for First Nations participation in regulatory and monitoring activities.
G. 1.	Expand the definition of onshore pipelines to include methanol and ammonia.
G. 2.	Require First Nations approval for new, untested pipeline technologies.

G. 3.	Establish First Nations-led geohazard monitoring programs.
G. 4.	Strengthen storage facility/pump station oversight and spill containment measures.
G. 5.	Secure long-term funding for First Nations oversight in pipeline integrity management.
H. 1.	Establish clear regulatory guidelines and reporting obligations to ensure cumulative effects are formally recognized and assessed as a reportable harm.
H. 2.	Integrate land and marine use planning into regulatory decision-making, ensuring that First Nations are consulted on the interconnected impacts of industrial activities.
H. 3.	Broaden the definition of reportable incidents to include long-term environmental harm, cultural damage, and cumulative effects.
H. 4.	Mandate legal protections for Sites of Significant Interest, requiring consultation and advance notification for any potentially disruptive activities.
H. 5.	Require reporting of non-chemical environmental disturbances, such as erosion, excessive noise, and habitat destruction, with specific monitoring and mitigation strategies.
H. 6.	Implement a real-time notification protocol to ensure First Nations receive immediate alerts when pipeline operators lose operational control over infrastructure.
H. 7.	Enforce mandatory reporting of high-potential near misses to enhance long-term risk mitigation and safety analysis.
H. 8.	Strengthen transparency in incident reporting, ensuring that operators provide timely and detailed site-specific reports accessible to First Nations.
H. 9.	Secure sustainable funding to support First Nations' active participation in environmental oversight, harm reporting, and regulatory enforcement
I. 1.	Develop a First Nations Rights Protection Framework to establish enforceable protections integrating First Nations legal orders into pipeline regulation.
I. 2.	Ensure Meaningful Consultation and Accommodation by mandating legally binding Nation-to-Nation agreements and early-stage funding for First Nations participation.
I. 3.	Implement Mandatory Revenue-Sharing Agreements to require pipeline companies to equitably distribute project revenues with impacted First Nations.
I. 4.	Require First Nations Equity Participation Opportunities to mandate that companies provide First Nations with options to participate as equity partners.
I. 5.	Mandate First Nations Involvement in Compliance and Oversight to ensure First Nations have formal authority to monitor compliance and recommend corrective actions.

I. 6.	Strengthen Regulatory Enforcement Mechanisms to introduce structured penalties for non-compliance with consultation, environmental, and economic obligations.
I. 7.	Enhance Public Transparency in Regulatory Decisions to require companies to disclose compliance records, revenue-sharing agreements, and consultation commitments.
J. 1.	Mandate First Nations participation in all pipeline safety inspections and monitoring programs.
J. 2.	Require real-time leak detection systems with First Nations access to monitoring data.
J. 3.	Enforce stricter oversight and maintenance requirements for aging pipelines.
J. 4.	Establish long-term safety monitoring programs for abandoned pipelines.
J. 5.	Formalize First Nations roles in emergency response planning and real-time incident reporting.
J. 6.	Increase transparency in pipeline safety performance and risk assessments.
J. 7.	Secure dedicated funding for First Nations involvement in pipeline safety initiatives.
K. 1.	Mandate First Nations-led environmental and socio-economic impact assessments.
K. 2.	Require pipeline companies to commit to long-term community investment agreements.
K. 3.	Ensure cumulative effects assessments evaluate regional and long-term impacts, including climate change considerations.
K. 4.	Establish First Nations oversight committees to monitor compliance with ESA commitments.
K. 5.	Ensure First Nations participation in selecting Valued Components for assessment.
K. 6.	Separate Social and Economic Assessments – Ensure that social and economic considerations are assessed independently.
K. 7.	Ensure First Nations Rights, Title, Treaty Rights, and Interests are Integral throughout the Filing Manual sections.
K. 8.	Strengthen Oversight of Project Exemptions to include the require for full consent of affected First Nations.
K. 9.	Enhance Cumulative Effects Monitoring through the development of regional-scale cumulative effects assessments
K. 10.	Improve Transparency and Accessibility of ESA Reporting
L. 1.	Acknowledge First Nations Jurisdiction: Ensure legal recognition and active enforcement of First Nations’ jurisdiction over Crown lands.

L. 2.	Joint Land-Use Planning: Formalize shared land-use agreements with decision-making and dispute resolution mechanisms.
L. 3.	Mandate Consultation: Require early, continuous consultation with First Nations before land allocation for pipeline projects.
L. 4.	Strengthen Legal Protections: Ensure enforceable land agreements with compensation and stewardship clauses.
L. 5.	First Nations-Led Monitoring: Establish First Nations-led bodies with authority to oversee land use and ensure compliance.
L. 6.	Adopt First Nations Valuation Models: Use First Nations-led assessments to value land, considering cultural and environmental impacts.
L. 7.	Prevent Forced Land Surrenders: Reform laws to require explicit consent from First Nations for land transfers or development.
M. 1.	Mandate First Nation-led environmental, socio-economic, and cultural impact assessments in regulatory approvals.
M. 2.	Require CER to verify First Nation consultation completion before accepting applications to prevent premature project timelines.
M. 3.	Ensure that consultation agreements with First Nation are legally binding and enforceable.
M. 4.	Establish First Nation-led monitoring teams with oversight authority for compliance enforcement.
M. 5.	Guarantee dedicated financial resources to support First Nation' participation in regulatory processes.
M. 6.	Protect culturally significant sites through First Nation-led site assessments and mandatory avoidance measures.
M. 7.	Strengthen enforcement and dispute resolution mechanisms to uphold consultation agreements, impact assessments, and land-use protections.
M. 8.	Secure long-term financial and technical resources to support First Nation' capacity in regulatory engagement, compliance monitoring, and environmental governance.
N. 1.	Require early and meaningful First Nations engagement in heritage assessments and mitigation planning.
N. 2.	Integrate First Nations permitting systems into the regulatory framework.
N. 3.	Mandate CER verification that heritage consultation is complete before approving applications.
N. 4.	Fund and formalize First Nations-led monitoring programs to enhance compliance with heritage protections.
N. 5.	Require cultural awareness training for all project personnel and contractors.
N. 6.	Develop standardized regulatory guidance for engagement, consultation, and reporting.
N. 7.	Strengthen compliance mechanisms by introducing stricter penalties for non-compliance.

N. 8.	Provide dedicated funding and resources to build First Nations' capacity in ancestral and generational stewardship.
-------	---