



Regulatory Review

Canada Energy Regulator

Onshore Pipeline Regulations & Filing Manuals



Summary Report



Federation of Sovereign Indigenous Nations
Lands and Resources Secretariat

March 2025

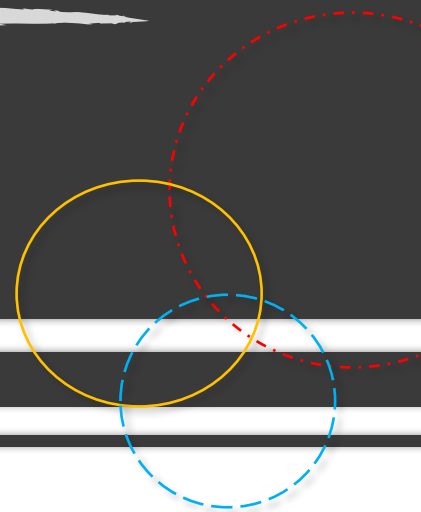
Message from Leadership

The Federation of Sovereign Indigenous Nations (FSIN) is committed to protecting and upholding inherent and Treaty Rights. These rights are not granted by governments or industry—they have existed since time immemorial and are the foundation of our Nations. Our Treaties affirm our sovereignty and responsibility to the land, and they must be recognized and upheld in all decisions that affect our territories.

Pipeline projects and regulatory decisions have far-reaching impacts, affecting not just the land but our ways of life, cultural practices, and future generations. As stewards of our traditional territories, we have carried forward the knowledge and natural laws that guide our relationship with the land. Our voices must guide and shape regulatory processes to ensure our rights, responsibilities, and values are fully respected.

Honoring our inherent and Treaty Rights means ensuring transparency, accountability, and meaningful collaboration in all actions that impact our lands. Together, we must work toward a future that respects our Treaties, protects our lands, and upholds the rights and dignity of our Nations.

~



Executive Summary

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Introduction

- FSIN hosted a Canada Energy Regulator (CER) Policy Review Session in Saskatoon, SK on February 28, 2025.
 - The session aimed to gather First Nations' perspectives on proposed changes to CER's onshore pipeline regulations and filing manuals, ensuring meaningful engagement in the modernization of regulatory frameworks.
 - Participants shared insights through surveys, roundtable discussions, and open mic sessions, focusing on key priorities such as long-term funding, capacity building, culturally relevant engagement and resource revenue sharing.
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Views on Pipelines & Regulations

- 94% of survey participants were “somewhat” or “not at all” familiar with CER and its role.
 - Less than half were aware of pipelines that cross or run near their Nations.
 - 12% had participated in engagements with the CER regarding pipeline projects.
 - 76% are very concerned and 24% are somewhat concerned about impacts of pipeline projects.
 - Participants were most concerned about 1) the risk of spills, leaks or water contamination; 2) disruptions to traditional land use and culturally significant sites; and 3) lack of fair compensation, economic benefits or revenue sharing.
 - When considering the current regulatory approach to pipelines, participants were most concerned about the failure to uphold inherent and Treaty rights and recognition of First Nations laws.
 - Increased and sustained funding for engagement and technical support and more opportunities for direct, meaningful dialogue with decision-makers would most improve Nation's ability to participate in regulatory reviews and consultations.
 - Participants stressed the importance of respecting existing consultation protocols, engaging Elders, and ensuring First Nations have control over traditional knowledge, land use decisions, and monitoring and remediation efforts.
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Perspectives on Topic Papers – Part 1

- When assessing impacts to their lands, the majority of participants are in favor of collaborating with project proponents to develop joint impact assessments or leading their own.
- Companies should be required to initiate early engagement before project applications, with funding and capacity building support, and provide dedicated funding and resources to enable full and meaningful participation.
- Mandated, specific measures that should be put in place to protect cultural or ecological sites of significance include a First Nations-led monitoring program to ensure compliance, and companies must co-develop detailed protection plans with affected First Nations.
- Every respondent expressed strong support for a regulatory requirement for companies to work with Nations to develop socio-economic benefit plans. Many emphasized that this approach should involve a resource revenue sharing model.

Perspectives on Topic Papers – Part 2

- CER-regulated companies should involve First Nations in emergency management planning and response by providing targeted training, resources and funding to support Nations' emergency response capacity, establishing protocols for timely, direct communication during emergencies and integrating Nation representatives into emergency planning committees.
 - Majority of participants believe full disclosure of all details of emergency management plans is necessary to ensure First Nation awareness and preparedness.
 - Key concerns regarding reclamation of disturbed lands include: 1) reclamation does not fully restore land for traditional use; 2) there is inadequate consultation with Nations before reclamation decisions are made; and 3) vegetation management practices negatively impact culturally significant plants.
 - Significant challenges and barriers exist to the effective implementation of independent monitoring and reporting by First Nations.
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Roundtable Insights

Key Insights from Roundtable 1 – “Addressing First Nations’ Rights & Interests Through Engagement”

- Dedicated funding, capacity building and independent support for engagement activities, traditional land use studies and other undertakings.
- Stronger accountability and oversight such as mandatory reporting and verification processes to ensure companies follow through on their engagement commitments.

Key Insights from Roundtable 2 – “Heritage and Cultural Resource Protection”

- Elders and knowledge keepers must lead heritage resource decisions.
- Mandatory stop work orders must trigger immediate Nation intervention.
- Resource revenue sharing to ensure Nations share in resource development gains.

Key Insights from Roundtable 3 – “Emergency Management” & “Pipeline Deactivation & Restoration”

- Ensure First Nations are active partners in all emergency planning stages.
 - Implement clear communication protocols to safeguard cultural and historical sites.
 - Establish an alert system for rapid, direct notifications during emergencies
 - Place First Nations at the centre of restoration planning and decision-making.
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Conclusions

- The voices of First Nations must be at the center of decision-making when it comes to modernizing pipeline regulations.
- The current regulatory system does not adequately reflect or uphold inherent and Treaty Rights.
- First Nations have long been stewards of their lands, yet companies and regulators continue to make decisions without fully recognizing First Nations' authority, knowledge, or governance.
- The need for equitable economic participation was highlighted, with many calling for enforceable resource revenue sharing agreements
- First Nations have the right to govern their lands in accordance with their own laws, traditions, and vision for the future. The modernization of the Canada Energy Regulator's onshore pipeline regulations and filing manuals must reflect this reality.

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Introduction



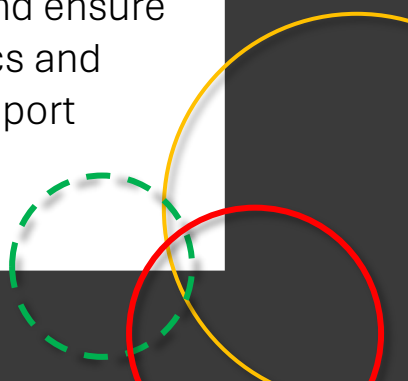
Introduction

The Federation of Sovereign Indigenous Nations

(FSIN) and the Saskatchewan First Nations Natural Resource Centre of Excellence jointly hosted a Canada Energy Regulator (CER) Policy Review Session in Saskatoon, Saskatchewan, on February 28, 2025. The event brought participants together to share knowledge, address questions, and gather perspectives on CER's onshore pipeline regulations and filing manuals. Through presentations and discussions, the session fostered meaningful dialogue around the modernization of regulations.

To capture the insights and feedback from attendees, surveys were conducted to assess participant perspectives on the proposed regulation changes, identify areas of interest, and highlight potential information gaps. Participants raised critical topics, including the need for dedicated and long-term funding and capacity building, culturally relevant engagement, and equitable involvement in and benefit from pipeline developments. Their responses also underscored the importance of collaboration and Nation-led undertakings to address the unique priorities of First Nations.

This report summarizes the survey findings, open mic and roundtable discussions, incorporating graphics to illustrate key themes and insights. By analyzing participant feedback, FSIN aims to inform ongoing energy regulation discussions and ensure future engagements address the most relevant topics and concerns of First Nations. This information will support energy policy development and strategic engagement planning efforts.



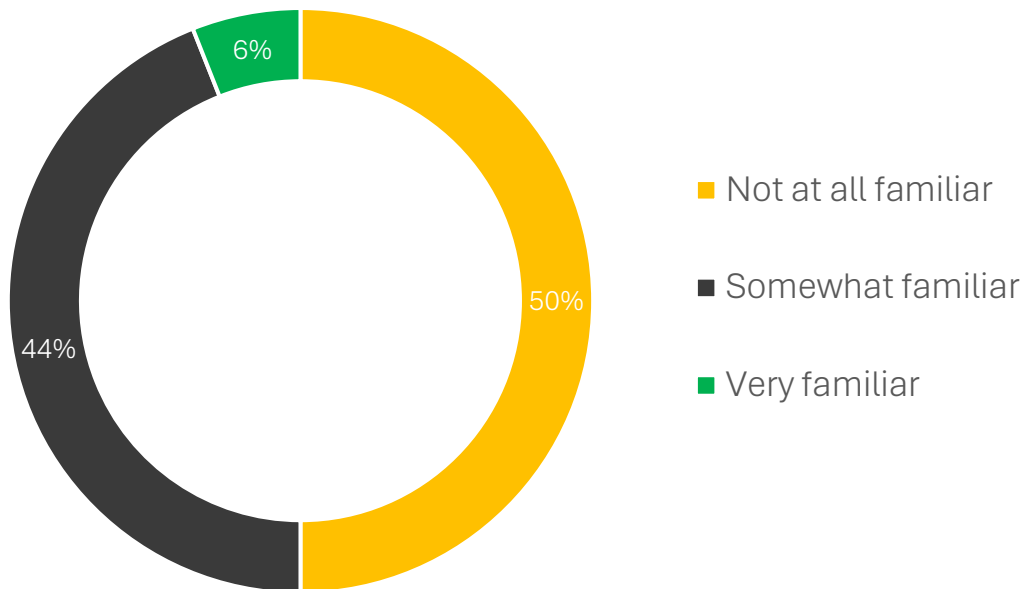
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*Views on
Pipelines & Regulations*

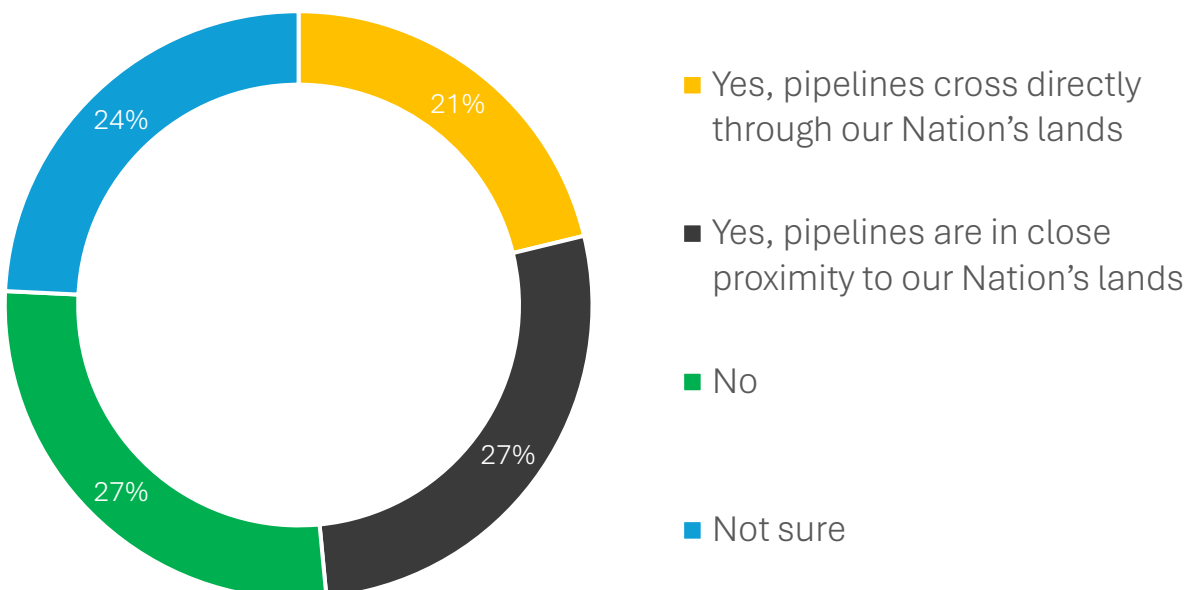
First Nation Energy Perspectives

Survey Responses

Q. How would you describe your Nation's overall familiarity with the Canada Energy Regulator (CER) and its role in overseeing pipeline projects?

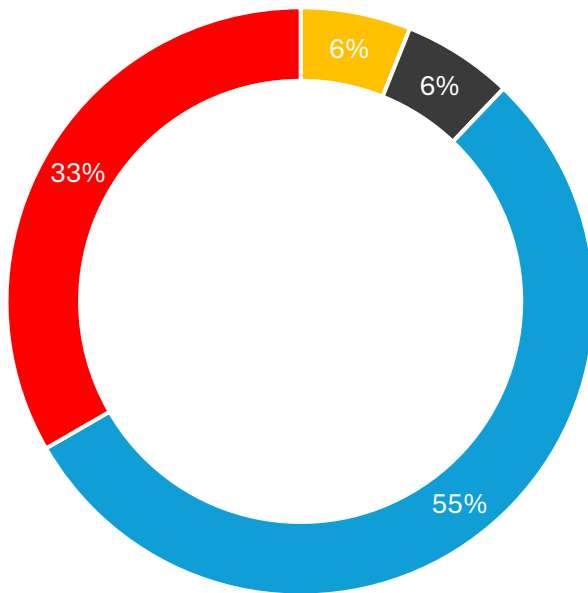


Q. Are you aware of any pipelines that cross or are located near your Nation's lands or areas of interest?

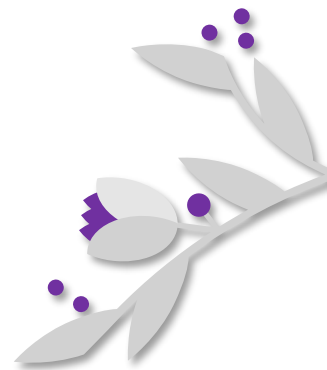


Q.

Has your Nation ever participated in any engagement with the CER regarding pipeline projects?

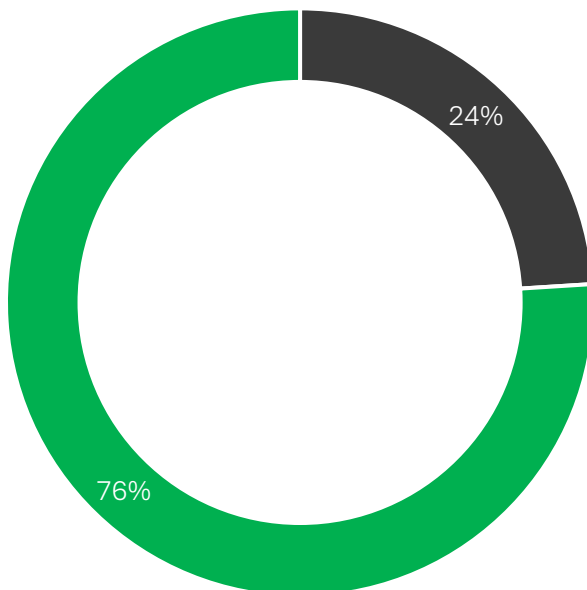


- Yes, through formal CER-led consultations
- Yes, through regional organizations or industry partnerships
- Yes, through direct communication with CER
- No
- Not sure



Q.

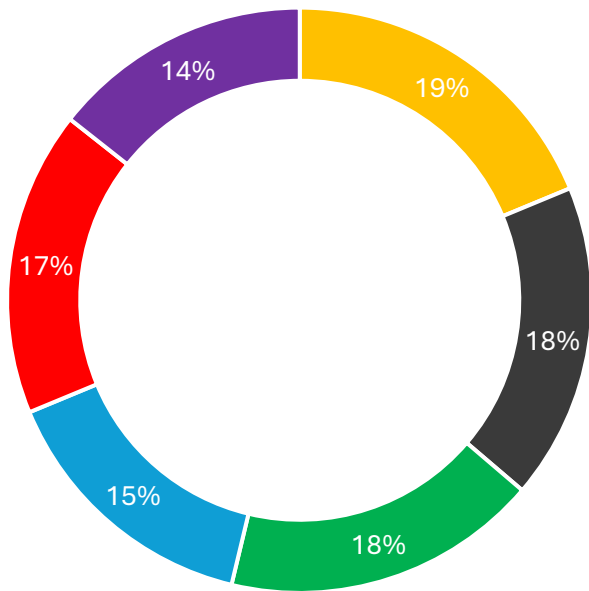
How concerned is your Nation about the overall impacts of pipeline projects in your territory, including environmental, cultural, social, and economic effects?



- Not concerned
- Somewhat concerned
- Very concerned

Q.

What are the most pressing issues related to pipelines in your Nation's lands? (Check all that apply)



- Risk of spills, leaks or water contamination
- Disruptions to traditional land use and culturally significant sites
- Lack of fair compensation, economic benefits or revenue sharing
- Adverse impacts on First Nation health and well-being
- Inadequate consultation and consent processes
- Lack of proper remediation after pipeline decommissioning

The following insights provide a firsthand perspective on the most pressing issues regarding pipeline development and regulation:

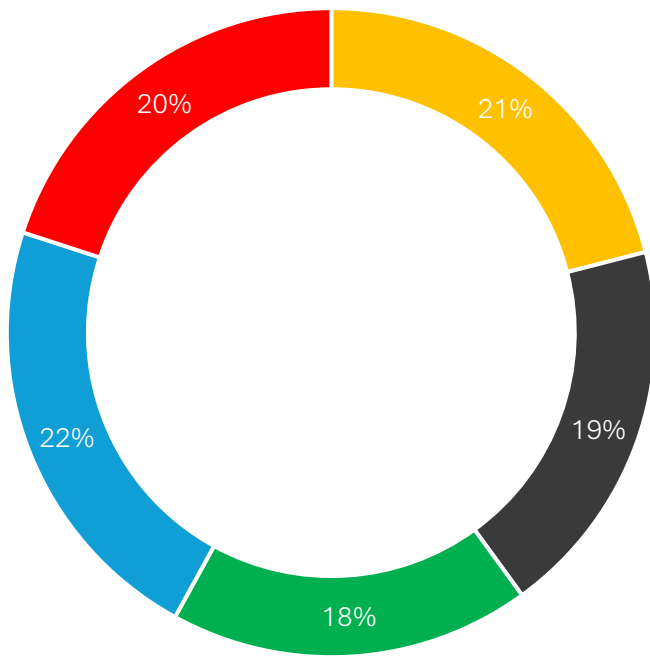
“Resource revenue sharing for the original inhabitants in all of Canada”

“Adequate compensation”

“Natural gas to every household”

Q.

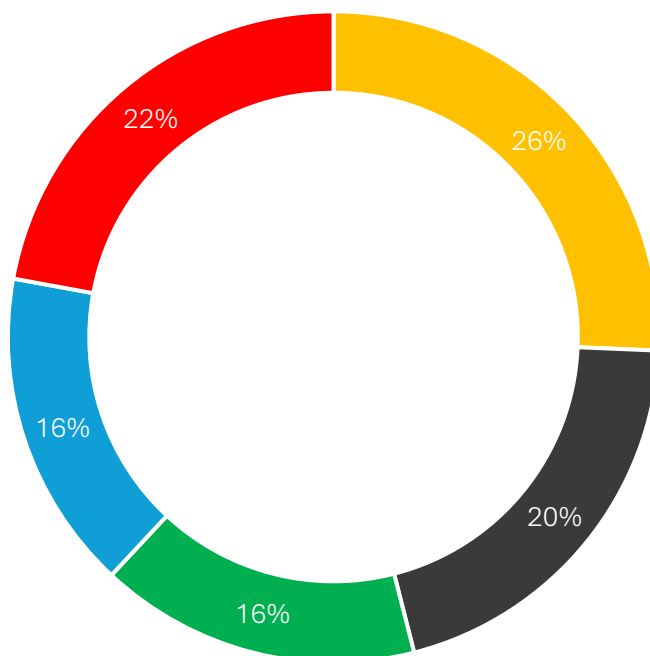
What concerns does your Nation have about the current regulatory approach to pipeline projects? (Check all that apply)



- Failure to uphold inherent and Treaty rights, and recognize First Nations laws
- Insufficient environmental protections and enforcement
- Lack of transparency and accountability in regulatory decisions
- Limited First Nation involvement in decision-making, monitoring and oversight
- Lack of or insufficient focus on delivering economic benefits to First Nations

Q.

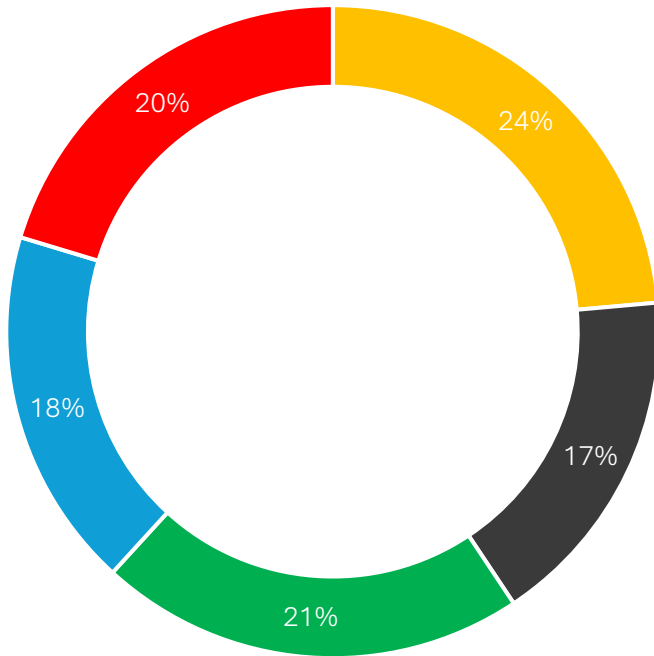
What barriers does your Nation face in participating in regulatory processes like this? (Check all that apply)



- Lack of capacity (staff, funding, expertise) to review and respond
- Short timelines that restrict meaningful input
- Complex legal and technical language in regulatory documents
- Past experiences where feedback was overlooked or not meaningfully considered
- Limited opportunities to engage directly with CER decision-makers

Q.

What measures would most improve your Nation's ability to participate in regulatory reviews and consultations? (Check all that apply)



- Increased and sustained funding for engagement and technical support
- Clearer, more accessible information on regulatory changes and their impacts
- More opportunities for direct, meaningful dialogue with decision-makers
- Dedicated resources for technical reviews, legal analysis and independent studies
- A structured, ongoing role for First Nations in decision-making

Q.

Please share any additional comments or recommendations for how the CER can improve pipeline regulations and enhance engagement with First Nations.

Many respondents called for greater recognition of Aboriginal title, increased First Nation participation in decision-making, ownership, and economic benefits, and support for developing First Nation-led regulations that would guide project approvals and compliance.

A key theme was the need for more meaningful engagement, including proper funding for capacity building and ensuring all 74 First Nations in Saskatchewan are represented. Participants also stressed the importance of consultation before projects are planned, rather than after decisions have been made. There were calls for greater transparency, accountability, and proactive engagement.

Several responses highlighted the importance of respecting existing consultation protocols, engaging Elders, and ensuring First Nations have control over traditional knowledge, land use decisions, and monitoring and remediation efforts. The following provides direct quotes from survey responses to this question.

In Their Words...

“

Assistance with First Nations' development of our own regulations which will form project approval and compliance. Shares and ownership.

Federal government involvement in provincial pipelines. First Nations are federal jurisdiction, and the federal government has a fiduciary obligation to First Nations and First Nation's land.

Incorporate Aboriginal title.

I am but one voice of many that have more opinions and views. (Our Nation) would like to remain a participation in this process.

Annual engagement sessions. Ensure there are First Nations personnel focused on this issue. Ensure that there is representation of all 74 First Nations in Saskatchewan. Ownership, control, access, and permission of traditional knowledge.

Provide proper funding for First Nations for building capacity.

First Nation involvement in decision making. Sharing in economic benefits, monitoring and remediation opportunities.

Thanks for the dedication for all Nations to be properly informed. Need more dialogue and more information to make better decisions.

Talk to our Elders / people first before the government.

CER shouldn't be doing any projects without First Nations consult! Land back!

Recognize existing consultation protocols from proactive Nations.

By having more First Nations input and involvement in the process. Having input and involvement in the decision-making process. Members involved from different regions.

It's like First Nations are not consulted where we want a pipeline in our province. We are just told its going to happen, now we will talk to you and get your opinion afterwards.

Capacity building for meaningful engagement. Transparent, accountable and honourable engagement (i.e. no rubber-stamping projects) with First Nations as opposed to CER pushing government and oil company agendas. Switch from reactive policies to proactive.

Support for creating our own First Nation's energy regulator.

”

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Perspectives on Topic Papers

Part 1

Onshore Pipeline Regulations:

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

Filing Manuals:

K. Environmental and Socio-Economic Assessment (ESA)

L. Lands

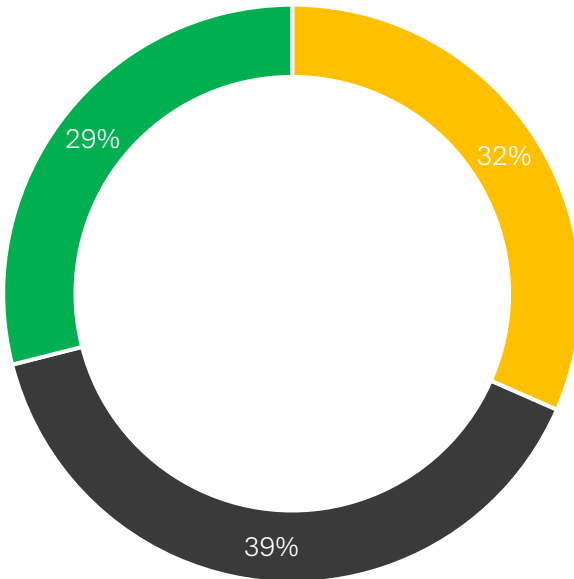
M. Rights & Interests of Indigenous Peoples

Perspectives on Topic Papers

Part 1

Q.

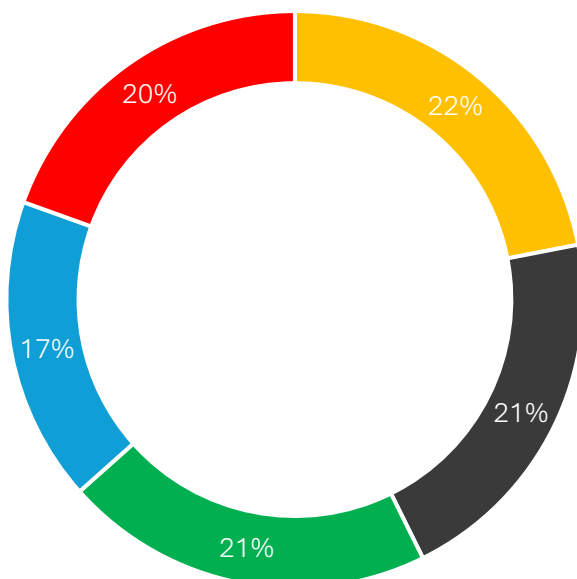
What role should First Nations have – supported by industry funding and capacity building – in assessing pipeline project impacts on their lands, rights, and interests?



- Lead their own independent assessments that regulators and industry must formally consider
- Collaborate with project proponents to develop joint impact assessments
- Provide input on company-led assessments while industry and regulators support building First Nations' capacity to fully participate

Q.

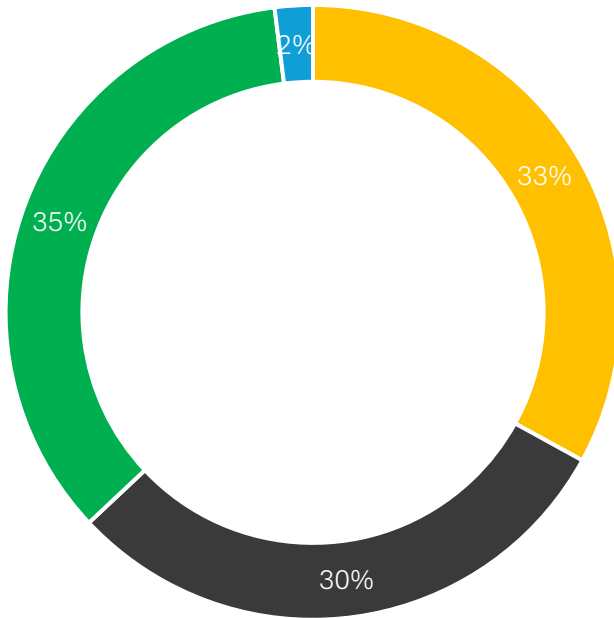
Which actions and engagement practices should companies be required to take when working with First Nations on pipeline projects—ensuring early consultation, ongoing participation, and accountability throughout all project phases? (Check all that apply)



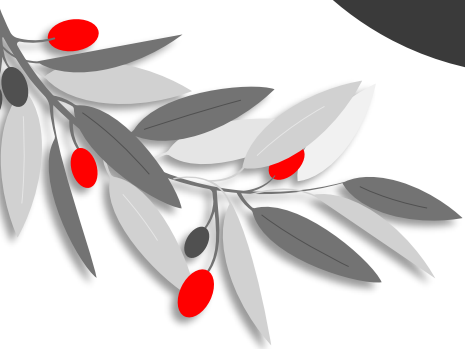
- Initiate early engagement before project applications, with funding and capacity building support
- Provide dedicated funding and resources to enable full and meaningful participation
- Hold regular meetings, updates, and include First Nations in project monitoring with proper training and support
- Clearly demonstrate how First Nations' input has influenced project planning and decision-making
- Offer legally binding agreements that protect First Nations' rights and interests

Q.

What specific measures, funded by the company, should be mandated to protect sites of First Nations cultural, historical, or ecological significance?

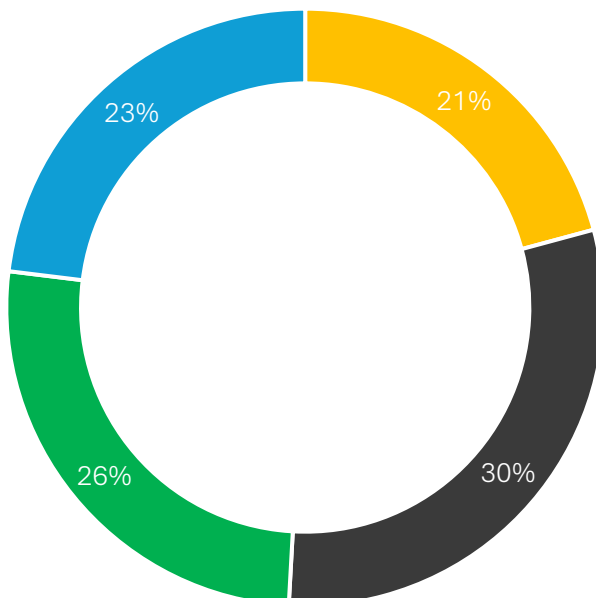


- Companies must co-develop detailed protection plans with affected First Nations
- Companies must avoid disturbances to these sites
- A First Nations-led monitoring program should be established to ensure compliance
- No additional measures are needed beyond existing regulations



Q.

What key elements should be included in land acquisition agreements to ensure that your Nation's rights and interests are protected? (Check all that apply)



- Detailed descriptions of land boundaries and ownership
- Provisions to protect culturally significant and sacred sites
- Fair and transparent compensation and revenue-sharing methods
- Opportunities for joint management of land resources

Q.

How can the identification, protection, and restoration of cultural and significant sites affected by pipelines be best achieved? Please share your thoughts on what roles companies, First Nations, and other stakeholders should play in this work:

“Prior consultation with area knowledge keepers”

“Ongoing access of traditional knowledge. It should not be a one-time effort”

“Companies must have First Nations involved at all steps of the process”

“Research who it belongs to. Reclamation back to Nation”

“First Nations need veto rights for work that effects important sites. Companies need to respect First Nation's decisions; CER needs to have teeth to enforce these wishes”

“Equality”

“First Nations with financial support from the proponent and they should be there for learn about the cultural significance”

“First Nations should decide what restoration / protection happens”

“Cooperative, collaborative ongoing involvement”

“First Nations Boards”

“MOU should be signed on some type of agreement. Will need to be adhered to and strengthened over time”

“Monitoring, identification, surveys, and registration”

“Physical markers, cultural training to workers, train conservation officers about the treaty and treaty rights”

“(Identification) of such sites for their protection, prior to any work beginning”

Q. Please rank the following socio-economic effects of pipeline projects on your Nation from 1 (most significant) to 6 and add others if needed.



Q. Do you support the creation of a regulatory requirement for companies to work with First Nations to develop socio-economic benefit plans?

- Every respondent expressed strong support for such a regulatory requirement. Many emphasized that this approach should go beyond conventional impact benefit agreements to involve a resource revenue sharing model. Several responses pointed out that companies often only engage with First Nations when compelled by government mandates—and even then, only minimally. One participant noted, "[The divide and conquer approach companies use with First Nations needs to stop](#)," while another insisted, "[Nations will be creating it](#)," underscoring a desire for self-determination in shaping these agreements.
- Respondents also called for a more meaningful, respectful, and informed process that recognizes the historical context and inherent mistrust stemming from past injustices. They advocated for comprehensive engagement measures to ensure that First Nations are not merely consulted but are active partners in decision-making. As one participant put it, "[It should be where government should be asking for the First Nations' permission](#)," reflecting a collective insistence that regulatory frameworks must empower First Nations, safeguard their rights, and secure lasting benefits for their Nations.

Thoughts on Socio-Economic Benefit Plans

“Companies / proponents to sit and visit with land users, develop a community profile, and community investment funding”

“First Nations should be allowed to help create the new terms of reference and mandate / vision”

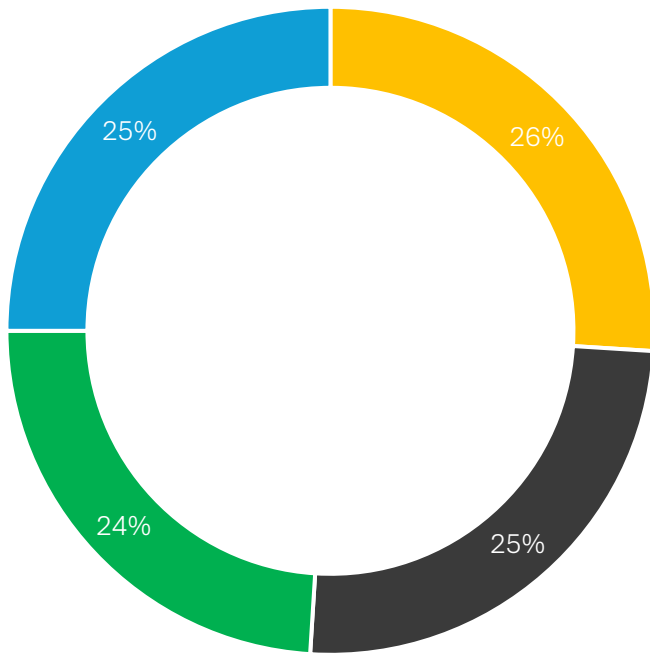
“We deserve the monetary value of our natural resources”

“Everyone involved needs a better understanding about First Nation people and the history of Canada and there needs to be protection because we already lost so much”

“Resource revenue sharing agreement and not merely impact benefit agreements”

Q.

How should companies engage with your Nation during the land acquisition process to ensure that your inherent and Treaty Rights are fully respected? (Check all that apply)



- Initiate early, collaborative consultations that allow for joint decision-making on land use, with dedicated funding to build your Nation's capacity to participate
- Establish formal agreements that ensure land is shared and managed together rather than given away outright, including support for local capacity building
- Provide transparent information about Crown or public land sales and potential impacts on Treaty Rights, along with resources to help your Nation understand and respond
- Allow for culturally appropriate timelines that honor traditional decision-making processes, supported by industry funding for capacity building

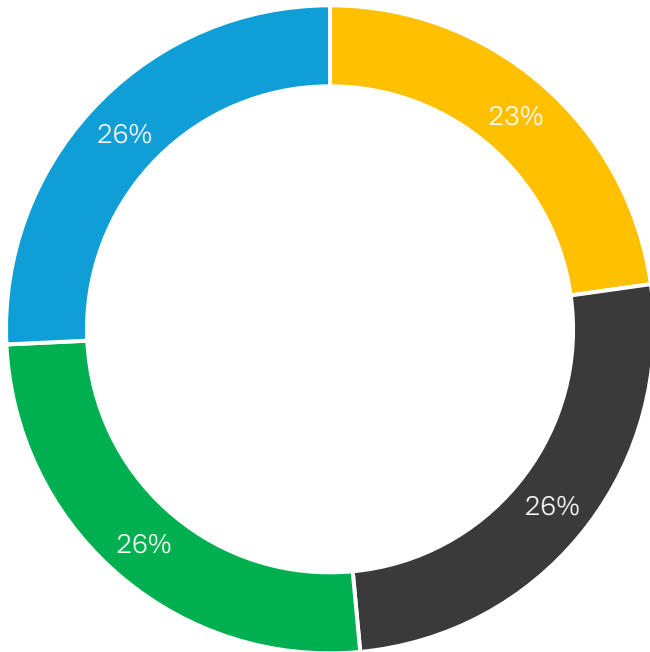
Land Acquisition for Energy Projects

First Nations have a deep, enduring and spiritual connection to land—it isn't just property to be bought, sold, or given away. Many respondents emphasized that land must be protected and managed carefully, suggesting the need for a Treaty enforcement agency to ensure that land is not lost or misused. Others argued that, as stewards of their ancestral lands, First Nations should have their own well-staffed and properly funded regulatory agency to oversee land deals and safeguard their rights.

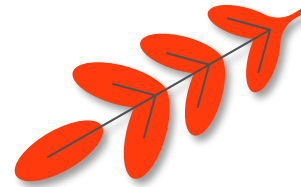
There was also strong support for early and genuine consultation, where companies work with First Nations from the very beginning of the land acquisition process. Respondents recommended working together on formal agreements that focus on sharing and jointly managing the land rather than simply transferring ownership. They stressed the importance of clear, honest information about public land sales and their impact on Treaty Rights and urged that the process respects traditional decision-making practices, and the deep cultural ties First Nations have to their lands.

Q.

What should companies be required to demonstrate to show that First Nations' knowledge and engagement influenced their environmental and socio-economic assessments? (Check all that apply)

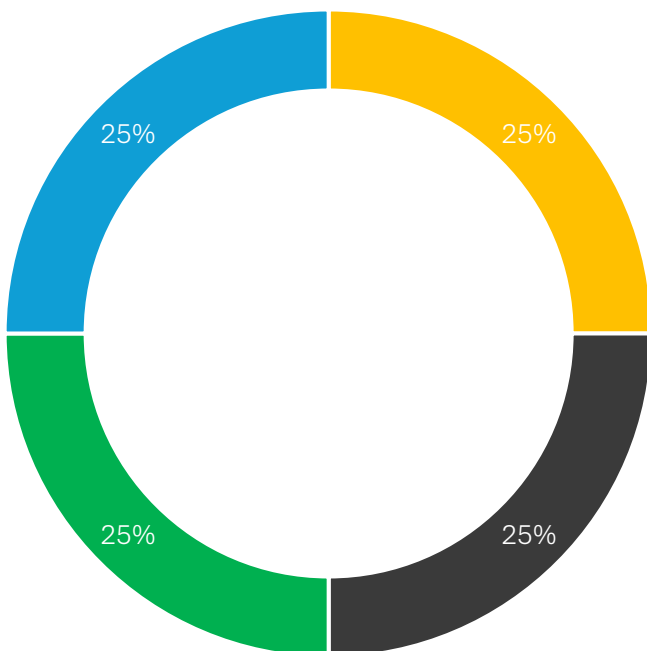


- Documentation of how First Nations' concerns shaped project design
- Clear explanations of how First Nations' knowledge was used in impact assessments
- Direct inclusion of First Nations-led studies in regulatory applications
- Joint development of assessment criteria with First Nations



Q.

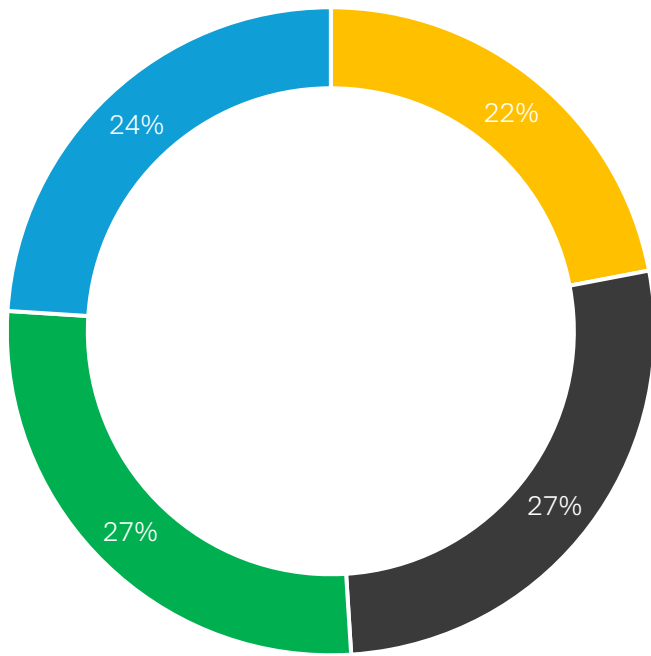
How should companies be required to track and report on the success of mitigation and enhancement measures they commit to? (Check all that apply)



- Regular reports to First Nations and the public on implementation and effectiveness
- First Nations oversight or joint monitoring of mitigation efforts
- Legally enforceable commitments with penalties for non-compliance
- Clear timelines and follow-up reporting on long-term mitigation outcomes

Q.

How should First Nations be involved in monitoring environmental and socio-economic commitments made by companies? (Check all that apply)



- Establishing First Nations-led environmental monitoring programs
- Joint decision-making authority on key regulatory matters
- Requiring companies to fund independent First Nations impact studies and related capacity building
- Access to all environmental and socio-economic monitoring reports

Environmental and Socio-economic Commitments

From First Nations' perspective, inherent and Treaty rights are the foundation of our identity and our sacred relationship with the land. The land is governed by natural laws passed down through generations, and as the true stewards of all Treaty and traditional lands, we must be at the decision-making table. Our traditional wisdom and cultural values are essential for guiding environmental and socio-economic aspects of energy projects, ensuring that any development honors the balance of nature, our long-standing responsibilities, and Treaty promises to share the land and its resources.

Energy companies and regulators must recognize our authority and work with us as equals. True partnership means sharing power, decision-making, and benefits. First Nation voices are leading the discussion on land use, environmental impacts, and long-term stewardship. Our sovereignty demands that our traditional knowledge and laws guide every step of the process.



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Perspectives on Topic Papers

Part 2

Onshore Pipeline Regulations:

C. Emergency Management

D. Environmental Protection

H. Reporting Harm

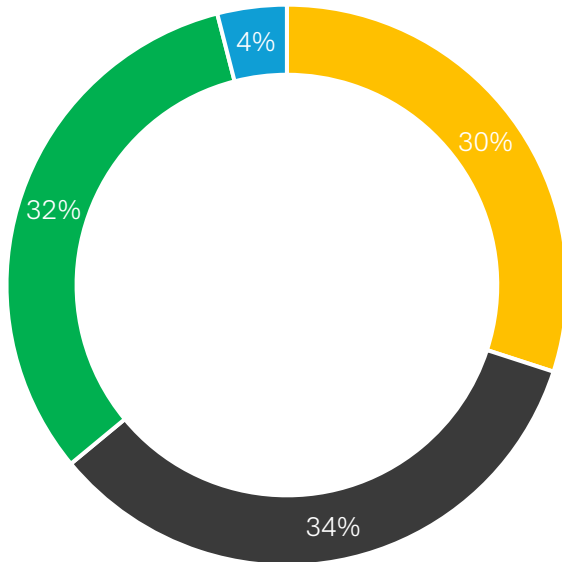
Visit www.cerdialogue.ca/opr to view CER Topic Papers

Perspectives on Topic Papers

Part 2

Q.

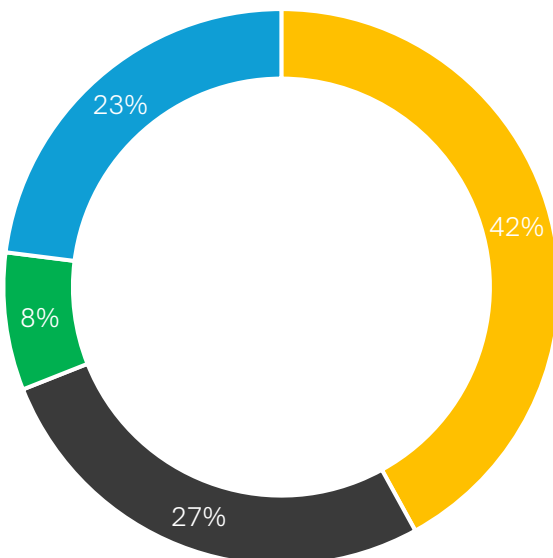
How should CER-regulated companies involve First Nations in emergency management planning and response? (Check all that apply)



- Integrate First Nation representatives into emergency planning committees
- Provide targeted training, resources and funding to support Nations' emergency response capacity
- Establish protocols for timely, direct communication during emergencies
- Rely on existing government channels without additional engagement

Q.

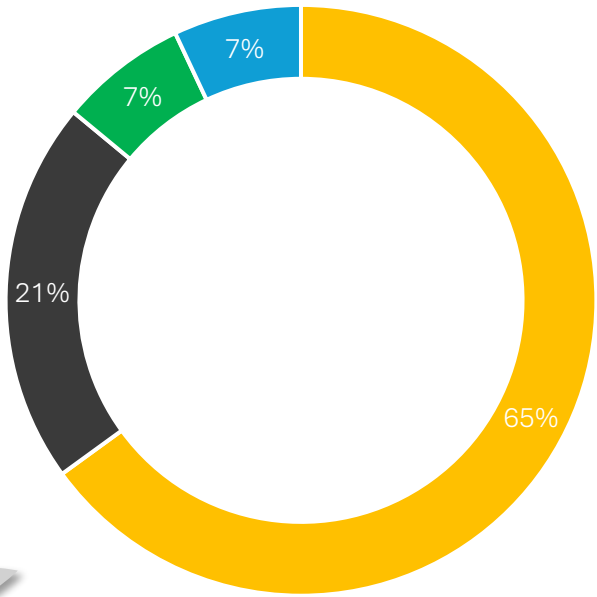
What method(s) do you believe would be most effective for CER-regulated companies to notify First Nations of an emergency incident? (Check all that apply)



- Direct communication with designated First Nation contacts
- A multi-channel approach that combines direct contact and public announcements
- Relying on local government notifications as the primary method
- Timely updates using Nation-preferred communication platforms

Q.

What level of disclosure regarding emergency management plans do you believe is most appropriate to ensure First Nation awareness and preparedness?

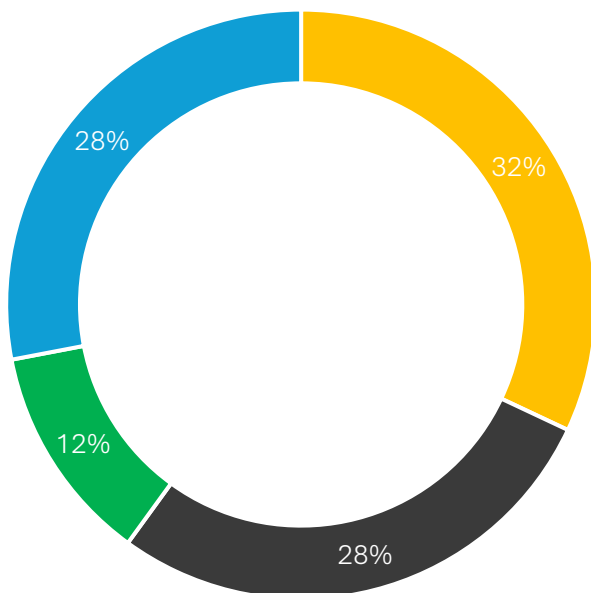


- Full disclosure of all details to foster complete transparency
- Partial disclosure focusing on general strategies and key information
- Limited disclosure, sharing only critical response procedures
- Disclosure only after an incident occurs



Q.

What concerns does your Nation have about the way pipeline companies reclaim disturbed lands, manage vegetation, and restore affected areas after construction or abandonment? (Check all that apply)



- Reclamation does not fully restore land for traditional use (hunting, fishing, gathering)
- Vegetation management practices negatively impact culturally significant plants
- The timeline for restoration is too long or unclear
- There is inadequate consultation with First Nations before reclamation decisions are made

Q.

The CER is exploring ways to support independent monitoring and reporting by First Nations. What challenges or barriers could prevent this from being effectively implemented?

“Capacity building. Give the First Nations monitor teeth to enforce regulations”

“Non-Indigenous people not understanding”

“Resources to employ those (who can compile) reports – First Nations do not get the funding for those positions”

“Long-term funding and capacity”

“Companies do not feel obligated”

“Expertise”

“Lack of capacity and youth-elder involvement. They need to be physically out there monitoring and protecting”

“Make opportunity to build their own monitoring ability. It must be tied with youth training component”

“Inequality”

“Reluctance by industry for First Nation participation”

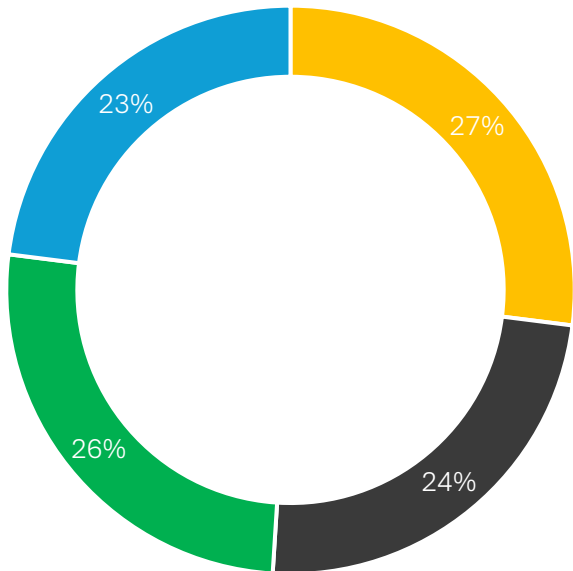
“Training and funding”

“Industry best (practice) monitoring is expensive, for a First Nation it would require training and funding”

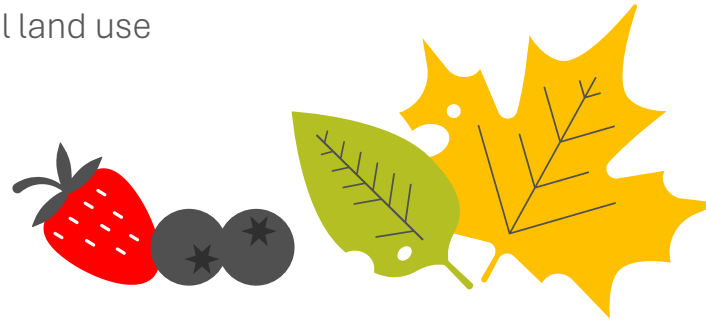
“Funding”

“A fully funded initiative should be priority”

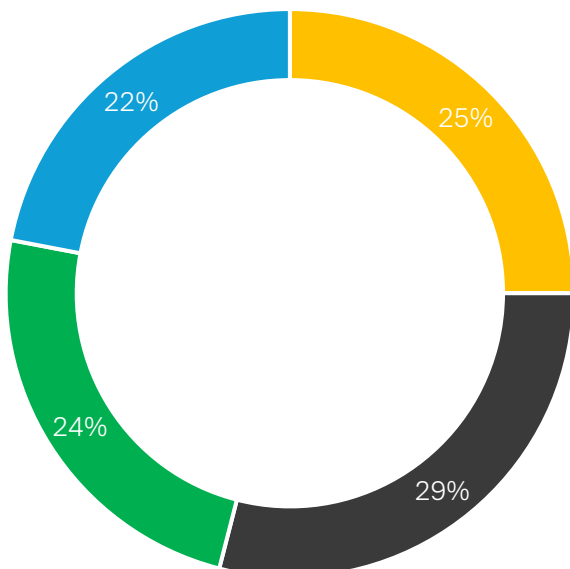
Q. How should restoration goals be determined for lands affected by pipeline projects? (Check all that apply)



- Restore land to pre-disturbance conditions based on First Nations' input
- Incorporate First Nation Knowledge and practices into restoration plans
- Require companies to develop, fund and support long-term monitoring plans and capacity building initiatives in partnership with First Nations
- Prioritize restoring ecosystems that support traditional land use



Q. How should First Nations be included in environmental monitoring of pipelines throughout their lifecycle? (Check all that apply)



- First Nations should co-develop environmental monitoring programs with companies
- Companies should fund First Nations-led monitoring programs
- First Nations should have decision-making authority in monitoring and compliance
- Companies should be required to publicly report on how they incorporate First Nation Knowledge in monitoring

Defining and reporting an "incident"

Q.

The CER is considering amending the definition of "incident" in the OPR. What changes should be made to ensure that incidents affecting First Nations' lands, waters, and rights are properly reported?

"Relax the definition from 'significant adverse effects' on the environment to 'any unintended adverse effects'"

"More involvement"

"Incident reports"

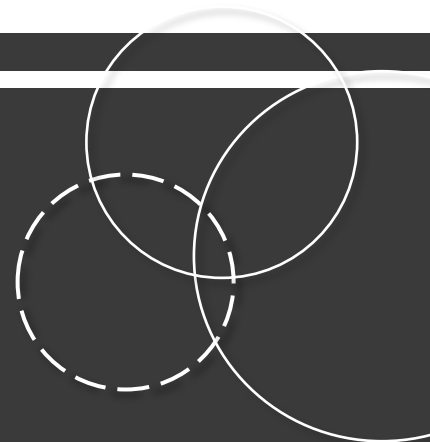
"Include protocols from affected First Nations"

"Any incident is an incident"

"Proper steps and protocols should be made along side First Nations"

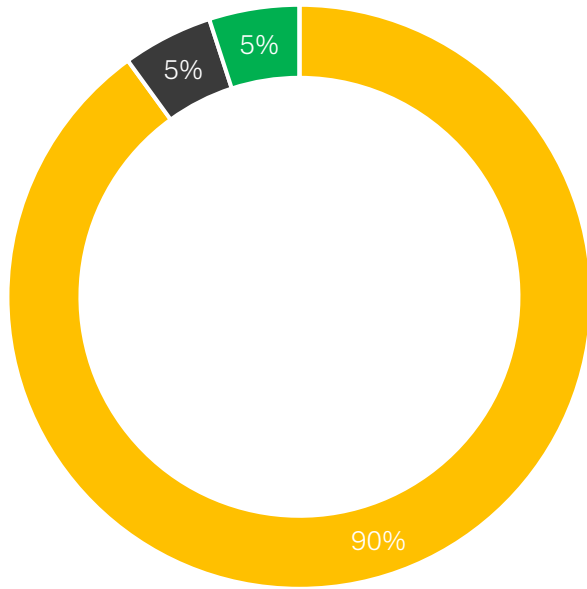
"Full disclosure and sharing of all levels of incidents"

"Reporting the harm done to the land / water.
Public awareness"

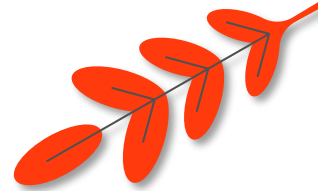


Q.

Should pipeline companies be required to develop detailed Environmental Protection Plans for all construction, operations, and maintenance activities?

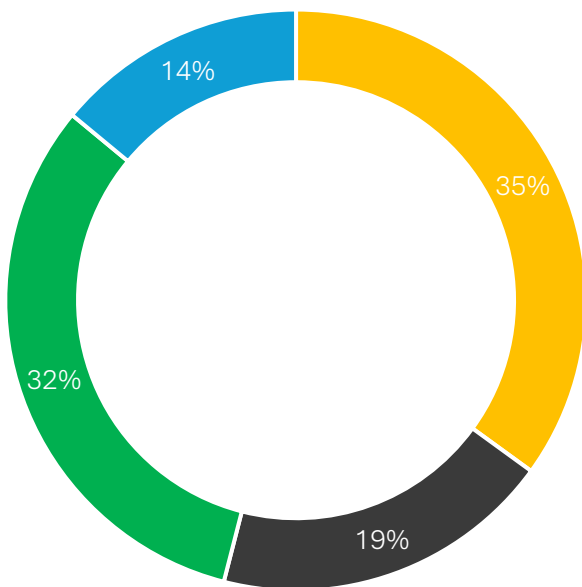


- Yes – Companies should be required to develop plans for all activities, including maintenance
- Yes – But only for activities with high environmental risks
- No – Existing regulations are sufficient
- Not sure



Q.

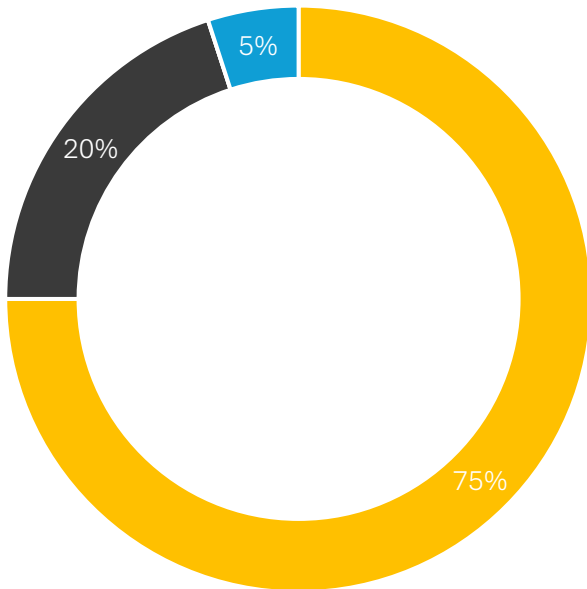
The CER is considering a requirement for companies to continually assess climate-related risks (e.g., wildfires, floods, permafrost thaw, etc.) and adapt their operations accordingly. What should be included in this requirement? (Check all that apply)



- Climate risk assessments must include First Nations' traditional knowledge, with dedicated funding to support engagement and capacity building
- Pipelines must be designed to withstand climate-related disasters
- Companies must develop emergency response plans specific to climate risks, including training and capacity building for First Nations
- Companies should be required to reduce their overall contribution to climate change

Q.

Should companies be required to report "near-miss" incidents that could have harmed the environment, cultural sites, or First Nations' land use?

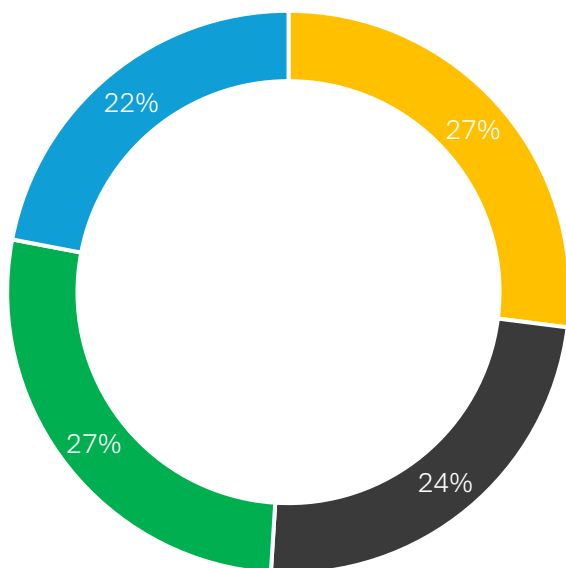


- Yes – Near misses should be reported the same way as actual incidents
- Yes – But only near misses with serious potential consequences
- No – Reporting should be limited to actual incidents
- Not sure



Q.

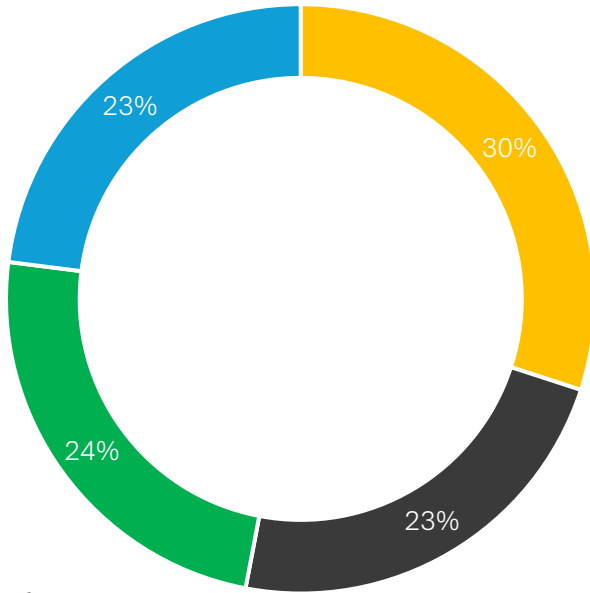
What types of environmental effects should require mandatory reporting beyond chemical or oil spills? (Check all that apply)



- Soil contamination from pipeline construction or maintenance
- Wildlife or habitat disturbances
- Damage to culturally significant plants or medicinal harvesting areas
- Increased erosion or water flow changes affecting traditional lands

Q.

The CER is considering a new reporting requirement when pipeline activities cause damage to sites of historic or cultural significance. What should this requirement include? (Check all that apply)

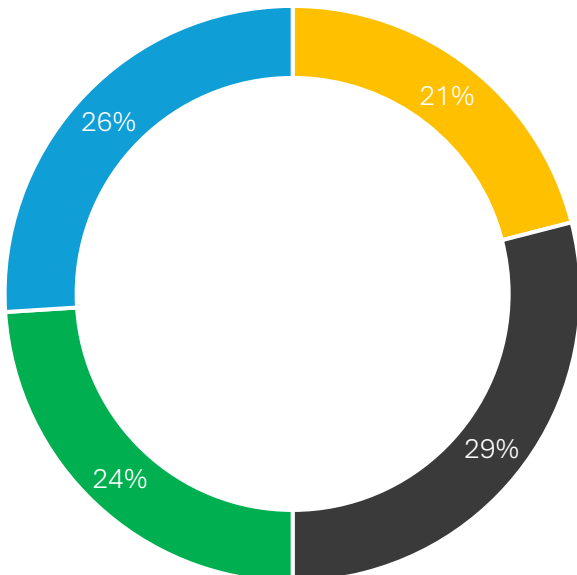


- Immediate notification to affected First Nations
- First Nations oversight of the damage assessment and response
- A clear definition of what qualifies as a site of cultural or historic significance
- Penalties for companies that fail to report or protect these sites



Q.

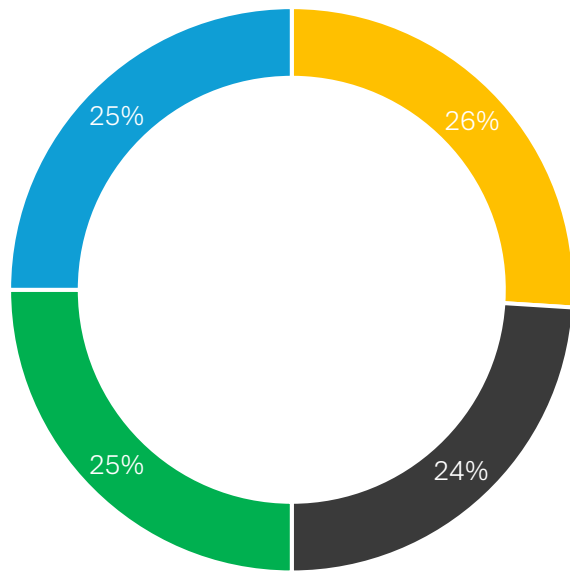
How should the CER improve data sharing so that First Nations can access meaningful information about incidents and industry trends? (Check all that apply)



- Public reporting of incident data, including impacts on First Nations lands
- Direct notification to affected First Nations when an incident occurs nearby
- Regular reports that track industry trends in incidents and near misses
- Inclusion of First Nations' perspectives in incident analysis and prevention planning

Q.

The CER is considering lowering the reporting threshold for certain types of spills and emissions. What factors should be considered when deciding what must be reported? (Check all that apply)



- Proximity to First Nations' lands, waters, or cultural sites
- Type of substance released (some may be more harmful than others)
- Volume of the spill or emission
- Long-term impacts on land, water, or traditional activities

Additional Insights on Survey Topics

Respondents expressed deep concern over the current approach to emergency management and environmental protection, noting that insufficient understanding and acknowledgement of inherent and Treaty Rights leads to systemic harm. They stressed the need for transparency and clear communication—calling for open reporting of all incidents, from spills to on-site fatalities, and emphasizing that any negative environmental impacts, including harm to animals, must be promptly addressed. Respondents also highlighted the importance of incorporating First Nation knowledge and cultural practices, including ceremonies and traditional definitions of reclamation, to ensure that restoration efforts honor the full scope of First Nation values.

There was a strong call for First Nations to have a decisive role in managing their lands, with respondents urging the creation of dedicated emergency teams for each project, co-managed from top to bottom. They emphasized that First Nations must be given the opportunity and resources to build their own capacity for developing robust environmental and emergency plans. Additionally, the feedback underlined the need for increased standards of care and funding for environmental projects to compensate for inherently imperfect restoration, ensuring that the sacred stewardship of the land is maintained for future generations.

5

Roundtable Insights

Modernizing Pipeline Regulations

Roundtable Insights

As part of the discussions on

modernizing the Canada Energy Regulator's (CER) onshore pipeline regulations and filing manuals, First Nations' leaders, knowledge holders, and technical experts as well as CER policy analysts gathered into groups for in-depth roundtable sessions. These discussions, facilitated by FSIN and the Centre of Excellence staff, provided critical insight into how regulatory modernization must uphold inherent and Treaty Rights, respect First Nations governance over their lands, and integrate traditional knowledge into decision-making.

Participants engaged in three breakout sessions, each focused on key areas of concern. The first session, "Addressing First Nations Rights through Engagement", examined the shortcomings of current engagement processes and the need for a shift toward true Nation-to-Nation decision-making.

The second session, "Heritage and Cultural Resource Protection", emphasized the importance of protecting sites of cultural significance and ensuring that First Nations have control over how their histories and traditions are safeguarded. The final session combined "Emergency Management" and "Pipeline Deactivation and Restoration" topics, exploring the necessity of First Nations-led emergency planning, response, and long-term land restoration efforts.

These roundtable discussions reinforced that modernizing pipeline regulations must go beyond technical updates—it must reflect First Nations' rightful role in shaping the decisions that impact their lands, waters, and ways of life. The insights gathered in these sessions provide a path forward for a regulatory framework that is more just, transparent, and accountable to First Nations.

The following sections summarize the key themes and recommendations from these discussions.

Roundtable 1 Summary

“Addressing First Nations’ Rights & Interests Through Engagement”

Discussions in this breakout session highlighted the ongoing challenges First Nations face in ensuring their inherent and Treaty Rights are upheld in pipeline project engagement and decision-making. A critical requirement identified by participants was that companies must provide dedicated funding and capacity-building support for Nations as part of early engagement. This support is essential to enable Nations to participate fully and effectively in the process.

Participants emphasized that while the CER has a role in setting expectations for company engagement, the current system continues to leave many Nations excluded or inadequately consulted—especially those further from a pipeline route. The reliance on written notifications instead of face-to-face meetings was cited as an example of companies failing to uphold meaningful engagement. First Nations must not be viewed as stakeholders but as rights holders whose governance over their traditional lands must be recognized throughout the entire lifecycle of a project. Participants reinforced that engagement must be based on First Nations' own processes, timelines, and laws, not just industry-driven regulatory requirements.

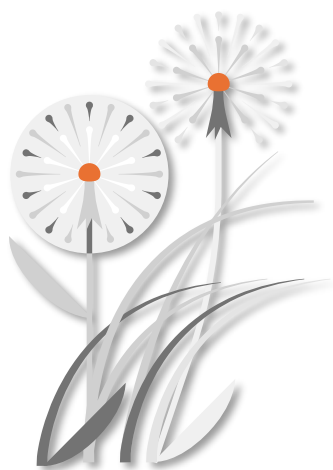
Participants also expressed concerns about the lack of enforcement mechanisms to hold companies accountable for inadequate engagement. While the CER's proposed objectives to clarify engagement requirements were seen as a step forward, there was strong feedback that these changes must go further. First Nations must be at the decision-making table, co-developing regulatory processes instead of reacting to predetermined frameworks. First Nation-led assessments and studies, funded by project proponents, were identified as critical tools for ensuring that First Nations' knowledge and priorities shape project reviews. First Nations must have independent oversight to ensure that assessments accurately reflect their rights, interests, and knowledge systems.

To improve accountability, participants recommended that the CER establish mechanisms for verifying company engagement claims, such as mandatory reporting that is reviewed and vetted by First Nations. Additionally, the CER should require direct, ongoing dialogue between companies and First Nations instead of relying on industry-defined engagement strategies. Beyond engagement, participants urged the CER to introduce mandatory requirements for First Nations' involvement in project oversight, including compliance monitoring, emergency response planning, and long-term environmental stewardship. Meaningful engagement must go beyond consultation—it must be embedded in regulatory decision-making, ensuring that First Nations' rights, laws, and governance are central to every stage of a pipeline's lifecycle.

Key Feedback

- Dedicated funding, capacity building and independent support for engagement activities, traditional land use studies and other undertakings
- Face-to-face meetings with Nations that includes all members, not just Chief and Council
- Clear, accessible, and transparent information-sharing mechanisms
- Stronger accountability and oversight such as mandatory reporting and verification processes to ensure companies follow through on their engagement commitments
- Proponents of pipeline projects must respect First Nations' inherent rights and stewardship of their lands

First Nation participants raised concerns about how they are informed of pipeline projects and engagement opportunities, emphasizing the need for clear, accessible, and transparent information-sharing mechanisms. Questions were asked about where Nations can find information on projects, engagement events, and public domain traditional ecological knowledge (TEK) studies. While resources such as the Impact Assessment Agency Registry and the CER’s website provide some public information, participants stressed that companies must proactively notify and engage Nations directly rather than relying on online postings or other indirect methods. There were also questions about how companies determine which Nations to engage with and whether current requirements ensure meaningful consultation with all potentially impacted Nations, not just those in close proximity to the pipeline route.



Participants highlighted the need for stronger early engagement requirements and more robust support for traditional land use and TEK studies. Funding and capacity remain major barriers, with calls for financial resources to support Nations in conducting their own studies and securing expert assistance. There was also a suggestion for independent, neutral third parties to facilitate land use and impact studies, particularly in cases where mistrust exists between First Nations and project proponents.

Beyond engagement, participants raised broader concerns about the direction of Canada’s energy infrastructure, questioning how regulatory frameworks would adapt to a shift from north-south pipelines to a potential east-west model. Additionally, procurement opportunities for First Nations should be prioritized, as Canada lags behind other jurisdictions in securing federal contracts for First Nation businesses.

Proposed Improvements to CER’s Early Engagement Guide

Topic	Proposed Improvements
Early Engagement & Funding	Mandate that Nations are engaged at the very start of any potential project, ensuring they receive timely and direct notification and funding / capacity building opportunities to participate fully.
Procurement & Contracts	Incorporate procurement provisions that prioritize contracts for First Nation companies.
Traditional Land Use & TEK Studies	Provide dedicated funding and capacity support for comprehensive traditional land use and TEK studies, including access to expert guidance.
Enhanced Accountability & Verification	Establish robust oversight mechanisms to confirm that companies are engaging with First Nations in a meaningful and inclusive manner. This should include mandatory reporting of engagement activities, independent third-party validation of First Nation participation, and scheduled hearings to review feedback and address concerns.

Roundtable 2 Summary

“Heritage and Cultural Resource Protection”

First Nation participants emphasized that Elders must be recognized as the primary decision-makers when it comes to heritage and cultural resource discoveries. They strongly opposed unilateral decisions made by provincial archaeologists or company-hired experts without Elder involvement. Participants highlighted the importance of a structured mechanism, led by First Nations, that automatically activates when heritage artifacts or cultural resources are encountered. They referenced a recent discovery of an ~11,000-year-old buffalo jump near Prince Albert as an example of the need for proper respect and recognition of such sites. Trust between First Nations and government or industry remains a significant barrier, and participants stressed that working together, rather than relying on external experts, is the only way to ensure the proper handling of heritage resources.

Participants also emphasized the need for dedicated funding to support comprehensive traditional land use studies beyond project-specific requirements. These studies serve as living documents that help protect First Nations' lands, rights, and ways of life, providing long-term value for land and resource planning. They noted that these documents are frequently referenced for various purposes and should receive ongoing investment. Participants also proposed a culturally appropriate system for implementing legally binding “stop work orders” when significant heritage finds occur. They pointed to the Trans Mountain Expansion Project’s chance finds protocol as a model that could be applied more broadly, including for provincial road construction, ensuring an Elder is always on-site or on-call to assess discoveries in real time.

Finally, participants discussed broader solutions to heritage protection and resource development conflicts, including revenue sharing. They highlighted that many of the current disputes over pipeline projects could be alleviated if First Nations had a direct financial stake in resource development. This would require revisiting key legal frameworks such as the Natural Resources Transfer Agreement (NRTA) to ensure that First Nations benefit equally from resources extracted from their territories. Overall, the discussions reinforced that First Nations must be at the center of heritage and cultural resource decision-making, with the authority, funding, and legal tools necessary to protect their lands and traditions.

Key Feedback

- Elders and knowledge keepers must lead heritage resource decisions
- Direct, early notifications are critical for effective Nation engagement
- Robust funding is essential for traditional land use studies
- Mandatory stop orders must trigger immediate Nation intervention
- Resource revenue sharing to ensure Nations share in resource development gains



Proposed Improvements to Heritage & Cultural Resource Protection

Topic

Proposed Improvements

Dedicated Funding & Capacity Building

Mandate that Nations are engaged at the very start of any potential project, ensuring they receive timely and direct notification and funding / capacity building opportunities to participate fully. Provide targeted financial support and resources for comprehensive traditional land use and TEK studies that protect cultural heritage.

Elder-led Decision-Making

Heritage assessments must be guided by Elders and knowledge keepers, ensuring that cultural resources are evaluated and managed per First Nations traditions.

Culturally Respectful Protocols

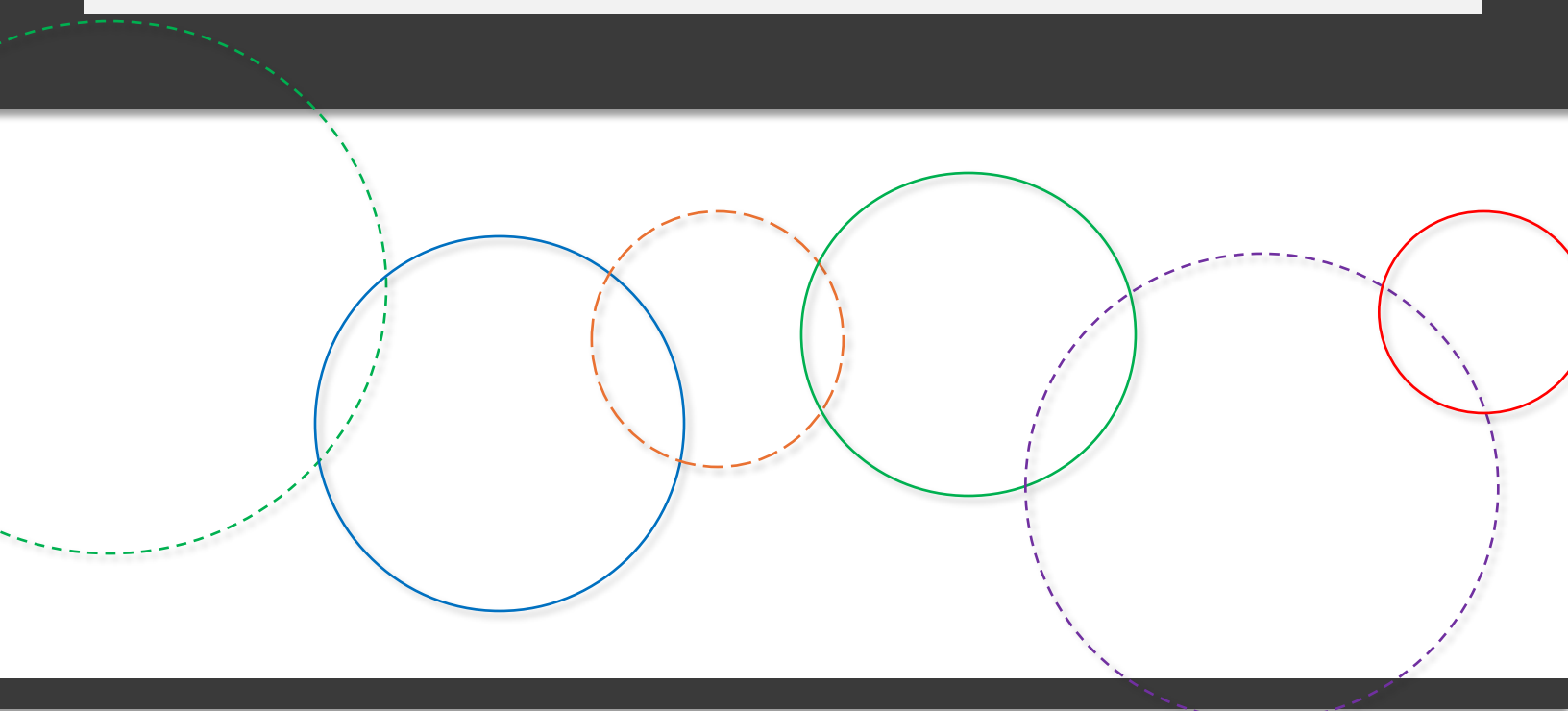
Enhance current processes to integrate traditional knowledge, ensuring all discoveries are treated with the respect and sensitivity they deserve.

Mandatory Work-Stoppage Mechanisms

Implement legally binding "stop work orders" that trigger immediate First Nations involvement when significant heritage finds occur.

Resource Revenue Sharing

Revisit revenue-sharing arrangements and procurement practices to ensure First Nations directly benefit from projects impacting their lands.



Roundtable 3 Summary

“Emergency Management”

The CER is proposing significant amendments to its OPR and Filing Manuals aimed at improving how companies involve First Nations in emergency response planning. These changes seek to ensure that companies communicate clearly with First Nations leadership and first responders, integrate traditional knowledge to safeguard sites of historical and cultural significance, and involve Nations at every stage of emergency response efforts. The proposals also include refined reporting requirements for incidents and near-misses, with the goal of enhancing industry-wide learning and better protecting the environment and culturally important sites. This roundtable discussion focused on gathering First Nations’ perspectives on these proposed changes and how they can be implemented effectively.

Participants discussed practical steps to ensure that companies can effectively identify and notify all First Nations affected by pipeline incidents. They agreed that companies should work closely with First Nations and Tribal Councils to determine which Nations and ancestral lands are impacted, acknowledging that these territories often overlap among multiple Nations. Participants recommended establishing a dedicated alert system—comparable to amber alerts—for rapid notification and emphasized the importance of integrating detailed ancestral lands maps into emergency response plans.

The conversation underscored that First Nations must play an integral role in all aspects of emergency planning. Participants urged that Nations provide essential contact information and updated maps of reserves and ancestral territories to pipeline companies. They also stressed that traditional land use and Traditional Knowledge studies should be embedded within emergency response strategies to ensure that cultural and historical sites are properly identified and safeguarded during incidents.

Finally, participants highlighted the need for dedicated capacity building and funding to empower First Nations in this process. They called on companies to support the development and maintenance of comprehensive land use maps—funded at both federal and provincial levels—to enable Nations to conduct their own studies and contribute effectively to emergency management planning and oversight. This capacity-building is crucial for ensuring that responses to pipeline incidents are both effective and culturally respectful, ultimately reinforcing First Nations' central role in protecting their heritage and lands.

Key Feedback

- Provide dedicated funding and capacity building to support Nation-led efforts.
- Ensure First Nations are active partners in all emergency planning stages.
- Integrate traditional land use and knowledge studies into response strategies.
- Collaborate with First Nations and Tribal Councils to accurately map impacted ancestral lands.
- Implement clear communication protocols to safeguard cultural and historical sites.
- Establish an alert system for rapid, direct notifications during emergencies



“Pipeline Deactivation & Restoration”

The discussion on Pipeline Deactivation and Restoration focused on how to effectively manage and monitor pipelines once they are decommissioned and abandoned, ensuring that residual impacts on the environment and cultural heritage are fully addressed. While current regulations require companies to monitor operating pipelines, they do not clearly cover the surveillance of decommissioned assets, prompting the CER to explore new requirements for environmental restoration. Participants discussed the importance of restoring the right-of-way not merely to current land use standards but to a condition reflecting pre-disturbance land use, to better mitigate cumulative effects on culturally and historically significant areas.

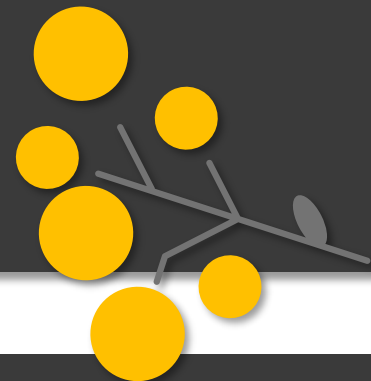
This roundtable session sought input from First Nations on how best to integrate their traditional knowledge and cultural values into the planning and implementation of restoration programs. The goal is to ensure that restoration efforts truly honor the ancestral and historical connections that First Nations have with their lands, and that these goals are developed collaboratively.

Participants stressed that First Nations must be central to restoration efforts through dedicated capacity building and funding. They emphasized that any restoration plan should adhere to OCAP principles—ensuring First Nations have control over the data and processes that affect their lands. While many advocated for restoring sites to a pre-disturbance state, they acknowledged the challenges of returning land to conditions before any disruption by settlers, highlighting the complexities involved in achieving true restoration.

Drawing on examples such as remediation funds for orphaned mines, participants proposed establishing a similar financial mechanism for pipeline projects. They suggested that if issues like spills arise, First Nations should have access to a dedicated fund—potentially established through a Parliamentary Act—to support restoration and compensation efforts. This approach, they argued, would not only provide financial security but also empower First Nations to actively participate in the restoration process and safeguard their ancestral territories for future generations.

Key Feedback

- Provide dedicated funding and capacity building to support First Nations’ active involvement in restoration.
- Ensure restoration adheres to OCAP principles for data and process control.
- Aim to restore sites to pre-disturbance conditions while acknowledging inherent challenges.
- Create a dedicated fund for First Nations to access for incidents or reclamation efforts.
- Place First Nations at the centre of restoration planning and decision-making.



6

Conclusions



Conclusions

The voices of First Nations

must be at the center of decision-making when it comes to modernizing pipeline regulations. The feedback gathered in this report clearly demonstrates that the current regulatory system does not adequately reflect or uphold inherent and Treaty Rights. First Nations have long been stewards of their lands, yet companies and regulators continue to make decisions without fully recognizing First Nations' authority, knowledge, or governance. Participants emphasized the need for a fundamental shift—one where First Nations are not just consulted but are active decision-makers, shaping the policies that impact their lands, waters, and ways of life.

A key theme throughout this engagement was the need for greater transparency, accountability, and legally binding commitments from industry and government. Participants called for stronger oversight, independent First Nations-led monitoring, and clear enforcement mechanisms to ensure that companies uphold their obligations. First Nations' knowledge and environmental stewardship must be incorporated at all levels, from impact assessments to land acquisition processes, emergency response, and long-term reclamation. Moreover, the need for equitable economic participation was highlighted, with many calling for enforceable resource revenue-sharing agreements rather than token benefits.

First Nations have the right to govern their lands in accordance with their own laws, traditions, and vision for the future. The modernization of the Canada Energy Regulator's onshore pipeline regulations and filing manuals must reflect this reality. As this process moves forward, First Nations will continue to assert their rights.

Government and industry must recognize that true reconciliation requires more than consultation—it requires shared authority, respect for Treaty obligations, and a commitment to upholding the rights and responsibilities that First Nations have carried since time immemorial.



Recommendations

The following recommendations outline key priorities that FSIN will continue to discuss with the CER, ensuring progress is tracked, actions are taken, and opportunities for collaboration are explored to advance these commitments.

1. **Early & Inclusive Engagement and Consultation Mandates:** Require companies to meaningfully engage with all impacted First Nations before any project application is submitted. Engagement and consultation processes shall include not only Chiefs and Councils but all members of a First Nation. First Nations must verify that engagement and consultation at any stage of a project has been done satisfactorily.
2. **Mandate Dedicated Funding:** Allocate long-term financial resources for capacity building and enabling full and meaningful participation by First Nations in all activities associated with the pipeline lifecycle.
3. **Fund and Integrate Traditional Land Use and Knowledge:** Require companies to fund the creation of Traditional Land Use (TLU) studies and incorporate such as well as Traditional Ecological Knowledge (TEK) and cultural practices into all project planning efforts including emergency response planning.
4. **Ensure Equitable Benefit Sharing:** Develop and implement mechanisms for resource revenue sharing and fair procurement practices to economically benefit First Nations.
5. **Support Nation-Led Assessments:** Facilitate First Nations-led environmental and cultural impact assessments with necessary technical and financial support.
6. **Co-Develop Regulatory Frameworks:** Collaborate with First Nations to revise regulatory policies so they reflect First Nation laws, values, and governance practices.
7. **Offer Targeted Training:** Provide specialized training programs and technical support to build First Nations' internal capacity for active participation in regulatory processes.
8. **Enhance Transparency:** Require full disclosure of project details, emergency management plans, and incident reports to ensure First Nations have complete and accessible information.
9. **Empower Cultural Leadership:** Grant decision-making authority to Elders and knowledge keepers for heritage resource evaluations and management.
10. **Institute Joint Emergency Planning:** Integrate First Nations into the design and execution of comprehensive emergency response plans, including regular drills and preparedness exercises.
11. **Establish Stop Work Orders:** Introduce legally binding stop work orders to trigger immediate First Nations intervention when significant cultural artifacts are discovered.
12. **Develop Rapid Alert Systems:** Create a dedicated alert mechanism, similar to amber alerts, for timely notification of pipeline incidents affecting First Nations.
13. **Create Nation-Led Monitoring Programs:** Establish independent monitoring initiatives led by First Nations for both active pipelines and decommissioned assets. Enforce mandatory reporting and independent monitoring by First Nations to verify that companies meet their commitments.
14. **Oversee Restoration Processes:** Mandate that First Nations participate in the planning and oversight of pipeline decommissioning and environmental restoration to pre-disturbance conditions.
15. **Schedule Regular Reviews:** Establish periodic review sessions between First Nations and the CER to assess progress, address challenges, and adjust engagement strategies as needed.