



**Grand Council Treaty # 3 Report on CER's Onshore Pipeline Regulations and Filing  
Manual Phase II Review | 2024 - 2025**

**Report Contributors:**



Any correspondence should be directed to



**Phone:** [Redacted]

**Email:** [Redacted]

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## Table of Contents

1. Mandate .....	3
2. Data Ownership Disclaimer .....	3
3. Background Information .....	3
3.1 The Anishinaabe Nation in Treaty #3 .....	3
3.2 CER-regulated pipelines in Treaty #3.....	4
3.3 Indigenous Ministerial Arrangement Regulations (IMARs).....	5
4. Methods .....	5
5. Engagement Report (What we heard) .....	5
6. Technicians' Analysis .....	7
6.1 A - Damage Prevention Topic Paper .....	7
6.2 B - Deactivation and End of Lifecycle Topic Paper .....	10
6.3 C - Emergency Management Topic Paper .....	12
6.4 D - Environmental Protection Topic Paper .....	14
6.5 E - Human and Organizational Factors (HOF).....	16
6.6 F - Management System and Contractor Management Topic Paper.....	19
6.7 G - Pipeline Integrity Topic Paper .....	21
6.8 H - Reporting Harm Topic Paper .....	23
6.9 I - Rights and Interests of Indigenous Peoples, Socio-Economic Effects, and Engagement Topic Paper .....	26
6.10 J - Safety Topic Paper.....	29
6.11 K - Filing Manual: Environmental and Socio-Economic Assessment Topic Paper..	32
6.12 L - Filing Manual: Lands Topic Paper .....	36
6.13 M - Filing Manual: Rights and Interests of Indigenous Peoples Topic Paper .....	38
6.14 Heritage Resources Management in Practice on CER-Regulated Projects.....	40
7. Conclusion .....	43
8. Appendix A: Glossary .....	43
9. Appendix B: Cited Works .....	44





## 1. Mandate

Grand Council Treaty #3 (GCT#3) received funding from the Canada Energy Regulator to review 13 topic papers related to the proposed revisions of the Onshore Pipeline Regulation and Filing Manuals (OPR/FM), and to engage with the Anishinaabe Nation in Treaty #3 on these matters. The CER also held a Heritage Resource Technical Workshop during this timeframe and GCT#3 comments are also included in this report.

## 2. Data Ownership Disclaimer

The data collected in this study and presented in this report are the property of the Knowledge Holders who shared it with GCT#3 and their communities. GCT#3 commits to the First Nation principles of *Ownership, Control, Access, and Possession* (First Nations Information Governance Centre 2014). This submission is offered in support of, and in addition to, any independent submissions provided by First Nations in the GCT#3 territory. It is meant to contribute further analysis and insight, and is not intended to substitute or override community-specific positions.

## 3. Background Information

### 3.1 THE ANISHINAABE NATION IN TREATY #3

Treaty #3 is a 55,000 square mile territory, spanning from west of Thunder Bay, Ontario to North of Sioux Lookout, along the US border into Southeastern Manitoba. The Anishinaabe Nation in Treaty #3 is made up of 28 First Nations with an approximate population of 25,000. Grand Council Treaty #3 (GCT3) is the Traditional Government of the Anishinaabe in Treaty #3 and represents all 28 First Nations. The Territorial Planning Unit (TPU) is its environmental department.

The Anishinaabe Nation in Treaty #3 is governed by *Anishinaabe Inaakonigewin* (law), which includes *Manito Aki Inaakonigewin* (Great Earth Law) and *Anishinaabe Nibi Inaakonigewin* (Water law). The Anishinaabe in Treaty #3 exercise inherent jurisdiction as proper stewards of the land. Since time immemorial, Creator entrusted the Anishinaabe to care for lands and resources on this part of Turtle Island. The Anishinaabe maintain a spiritual connection to the land and Mother Earth. The 28 communities in Treaty #3 support and guide GCT#3's efforts to facilitate collective engagement respecting the land and waters, as guided by *Manito Aki Inaakonigewin* ([Grand Council Treaty #3 2022](#)).





*Manito Aki Inaakonigewin* represents respect, reciprocity, and responsibilities with all relations regarding Mother Earth. Anishinaabe Law has been passed from generation to generation through Elders, Knowledge Keepers, and Ceremony since time immemorial. *Manito Aki Inaakonigewin* has helped to uphold traditional land rights and create nation-based law-making. The law signifies the duty to respect, protect, and steward the land. The responsibility to protect and respect Creation is shared between the Anishinaabeg and other Nations in Treaty #3 (Grand Council Treaty #3 2023).

### 3.2 CER-REGULATED PIPELINES IN TREATY #3

There are currently two CER-regulated natural gas pipelines in Treaty #3: TransCanada Pipeline and Centra Transmission Line.



Figure 1: Map provided by CER





Between 2014 and 2017, the National Energy Board reviewed an application to construct the Energy East oil pipeline to deliver diluted bitumen from Alberta to Eastern Canada. The proponent, TC Pipelines, ultimately withdrew the project due to wide-spread political opposition and a lack of government support. Discussions to build a new trans-Canadian oil pipeline have resurfaced in early 2025 to increase Canadian energy autonomy. If proposed, this line would be regulated by the CER and transect Treaty #3 territory.

### 3.3 INDIGENOUS MINISTERIAL ARRANGEMENT REGULATIONS (IMARS)

In a parallel process, the TPU has been engaged on Natural Resources Canada's (NRCan) process to develop Indigenous Ministerial Arrangement Regulations (IMARs). IMARs are intended to regulate Section 77 (1) of the Canada Energy Regulator Act, 2019 (CERA) which empowers the Minister of Natural Resources to transfer some regulatory authority over CER-regulated transmission lines and pipelines to Indigenous governance bodies. The TPU expect that such ministerial arrangements would include many if not all of the issues covered in the OPR/FM, thus providing an additional path to implement First Nation authority, interests, and concerns in regulating pipelines.

## 4. Methods

The TPU retained the subject matter expert services of Brian Martin (Aki Consulting), who reviewed the Topic Papers and advised the TPU in its own review and engagement. Brian Martin is a former senior employee of the CER and as such very familiar with federal pipeline regulations. The TPU also conducted its own review.

Between October 2024 and February 2025, GCT#3 conducted a number of engagement efforts for this phase of the review process, including information exchanges at two Treaty #3 Energy Symposiums, engagement sessions and one survey sent to all 28 communities.

## 5. Engagement Report (What we heard)

During the CER's presentations at Treaty #3 Energy Symposiums, participants shared the following concerns:

- There needs to be meaningful Indigenous participation in the committee/board that approves pipelines



- Communities need sufficient time to review OPR/FM topic papers. A month is insufficient. Even though TPU began engaging on this project in Fall 2024, many communities did not learn about the initiative until February 2025.
- There needs to be a protocol to protect sacred sites. Sacred sites along proposed and existing pipelines need to be identified, avoided if possible, and impacts on communities need to be assessed in case sites cannot be avoided
- There needs to be an independent monitoring agency. Treaty #3 First Nations should be able to respond to emergencies. Many communities have the skills and the equipment, but are not contracted.
- Consultation requirements need to be specified
- There needs to be a way for First Nations to stop a project if they do not consent. First Nations need independent institutions, potentially internationally, to hold the CER accountable if it approves projects or measures that First Nations oppose.
- Monitoring should be led by First Nations and involve Ceremony and Traditional Protocols. This should be specified in Monitoring Plans agreed to by the CER and affected First Nations.
- *Manito Aki Inaakonigewin* needs to direct all initiatives in Treaty #3, including pipelines.
- To engage communities regarding pipelines, the CER or the proponent should organize a walk-through along the projected corridor. That way you can see potential impacts immediately. Just looking at a map is insufficient.

Other comments received during other engagement activities include:

- Some First Nations require ratification from Chief and Council to engage on the OPR/FM
- There exist opportunities for jobs and partnerships around inspection, monitoring, and follow-up activities. These partnerships should allow for cultural awareness, language revitalization, and cultural heritage preservation.
- Animal migration routes and rivers require special protection
- Proper training is critical for communities to benefit from pipeline monitoring and management.



## 6. Technicians' Analysis

*Manito Aki Inaakonigewin*, the Great Earth Law of the Anishinaabe Nation in Treaty #3, defines how projects in Treaty #3 should be conducted. This includes any pipeline projects. *Manito Aki Inaakonigewin* requires Ceremony and Traditional Protocols under the leadership of the Anishinaabe Nation in Treaty #3. It requires that consultation in a traditional manner should be initiated prior to preparation of engineering or construction plans, and that consent must be obtained prior to any development activities.

Each new pipeline in Treaty #3 should be managed by specific plans (e.g. Environmental Assessment, Monitoring, Environmental Protections, Cultural Heritage, Emergency Preparedness) that are codeveloped with Grand Council Treaty #3 and affected First Nations. The determination of which communities should be involved must be made by the Anishinaabe Nation in Treaty #3 under the Protocols of *Manito Aki Inaakonigewin*. Communities must be sufficiently resourced to meaningfully participate in the planning. The Waasigan Transmission Line and the Trans-Canada Highway Twinning (Niiwin Wendaanimok Partnership) are two recent examples of such co-development in Treaty #3. For the existing TransCanada and Centra Transmission Lines, we recommend creating updated management plans in partnership with GCT#3 and First Nations as outlined above.

### 6.1 A - DAMAGE PREVENTION TOPIC PAPER

1. Establish a Depth of Cover Monitoring Program to Ensure Compliance and Environmental Protection, with Participation from First Nations  
A national, standardized monitoring program should be developed to assess and maintain adequate pipeline cover across federally regulated systems. This program must:
  - Incorporate seasonal land observations, recognizing that weather events (e.g., flooding, freeze/thaw cycles) can erode soil and expose pipelines.
  - Combine First Nations-led field monitoring with real-time adaptive management responses.
  - Intensify monitoring in regions identified by First Nations as ecologically or spiritually significant.
  - Implement enforceable compliance mechanisms and formalized agreements that guarantee ongoing First Nations involvement.





2. Include Culturally Significant Sites in the Definition of Ground Disturbances  
Amend the CER's regulatory definition of "ground disturbance" to reflect First Nations' cultural and historical perspectives. This should:
  - Capture activities that affect ceremonial areas, burial grounds, and other sacred spaces—even if no physical excavation occurs.
  - Require buffer zones and pre-disturbance consultation protocols around these areas.
  - Assess all ground activities for their potential to disrupt spiritual, cultural, and traditional land uses.
3. Fund First Nations-led Monitoring, Training, and Compliance Efforts  
Sustainable, long-term funding mechanisms are critical for enabling meaningful participation. These funds should:
  - Support training in regulatory and environmental monitoring practices.
  - Cover salaries, equipment, and certification of First Nations monitors.
  - Ensure communities can lead independent audits or assessments of pipeline safety in their territories.
4. Implement Real-time Data Sharing (Including Geospatial) and Reporting to Enhance Transparency and Accessibility to foster trust and proactive response:
  - Regulated companies must share live GIS-based monitoring data, alerts, and inspection outcomes with affected First Nations.
  - Ensure accessibility in user-friendly formats and compatibility of data platforms with First Nations' existing systems, and
  - Real-time notifications (e.g., on pipeline exposure, erosion risks, or failures) should be sent to community-designated leads.
  - Transparent reporting mechanisms should include timelines for regulatory response and follow-up, especially after major environmental events like floods or fires.
5. Strengthen Protection Measures for Sacred and Ecologically Sensitive Areas Within Depth of Cover Regulations

The CER must recognize that, while all land holds inherent value, certain areas carry distinct spiritual, ceremonial, environmental, and cultural significance. Accordingly:

- Increase depth of cover thresholds in sacred or high-risk zones, as identified through traditional land use assessments or community consultation



- Include mandatory seasonal assessments in floodplains, wetlands, and lands near cultural heritage sites.
- Developed protection measures with First Nations, leveraging ecological indicators and ceremonial cycles to guide timing and intensity of inspections.
- Post-disaster response protocols should include First Nations as partners in damage assessments and remediation planning.





## 6.2 B - DEACTIVATION AND END OF LIFECYCLE TOPIC PAPER

### 1. Implement First Nation Decision-Making Authority in Deactivation and Reclamation

2. First Nations must be recognized as decision-makers throughout the deactivation and reclamation phases.

This requires:

- Formal inclusion in planning and oversight, with co-developed decommissioning plans that reflect Traditional Land Use (TLU) practices, cultural values, and local priorities.
  - Participation in monitoring and validation of site closure activities, ensuring that decommissioning reflects First Nations environmental stewardship principles.
  - Authority to approve restoration strategies
  - Embedding First Nations in decommissioning governance, aligning with CER commitments to reconciliation and shared oversight.
3. Mandate Full Access to Operational, Geospatial, and Environmental Data Related to Decommissioned Pipelines

Effective reclamation requires transparency. CER should mandate:

- Full disclosure of historical operational data, soil and groundwater contamination reports, GIS mapping, and maintenance logs.
  - Access to deactivation filings, incident records, and all monitoring data, including information from before, during, and after decommissioning.
  - A centralized data system or portal where First Nations can access and manage this information for their own environmental planning and monitoring.
  - Data-sharing agreements that uphold First Nation Principles of Ownership, Control, Access, and Possession (OCAP) and ensure long-term access for future land management.
4. Require Pipeline Operators to Set Aside Sufficient Funds for Long-Term Site Monitoring and Remediation
    - Mandate that companies dedicate funds prior to deactivation to cover post-closure monitoring, contamination response, and environmental restoration.





- Make funds accessible to First Nations for independent verification, monitoring, or additional remediation as needed over time.
- Ensure funds remain in place even if ownership changes or the asset transfers to provincial jurisdiction.
- Link fund release to performance outcomes verified through Indigenous-led monitoring and regulatory review.

**5. Incorporate First Nations-Led Environmental Restoration Strategies into Deactivation Policies**

- Require the integration of Indigenous restoration techniques, such as native species replanting, waterway rehabilitation, and traditional soil recovery methods.
- Recognize First Nation authority to lead or co-lead restoration planning, implementation, and evaluation.
- Support Indigenous monitors and restoration teams through targeted funding, capacity development, and clear regulatory mandates.
- Recognize traditional knowledge (e.g., ecological indicators, seasonal cycles) in defining success criteria for land recovery and use post-decommissioning.

**6. Establish Legally Enforceable Mechanisms Requiring Pipeline Operators to Restore Lands Impacted by Decommissioned Infrastructure**

- Enforce clear reclamation requirements tied to pipeline approval conditions and deactivation authorizations.
- Develop measurable benchmarks (e.g., soil health, biodiversity, cultural access) for land restoration that must be met before release from liability.
- Enable CER or designated First Nations representatives to audit and certify compliance prior to site closure approvals.
- Apply enforcement tools, including penalties or additional conditions, where operators fail to meet restoration commitments.





### 6.3 C - EMERGENCY MANAGEMENT TOPIC PAPER

1. Mandate First Nations involvement in emergency planning, response, after-action reviews and decision-making
  - Require companies to work with First Nations from the start of emergency planning and throughout response and recovery and after-action review.
  - Ensure First Nations have decision-making roles, not just advisory input, especially when incidents occur on or near their lands.
  - Emergency Operations Centers (EOCs) should be located within First Nations jurisdictions when appropriate, to give communities control over local responses.
  - Planning must reflect community-specific risks, land use priorities, and emergency protocols already in place.
  
2. Include culturally significant sites in emergency response protocols
  - Update emergency plans to protect burial grounds, sacred spaces, traditional harvesting zones, and ceremonial sites.
  - Require companies to consult with First Nations to identify these areas before any incident occurs.
  - Emergency crews must be trained to avoid damage to these areas and follow community protocols during response activities.
  - Define procedures for accessing sensitive areas respectfully, including who must be contacted before entry.
  
3. Notify First Nations of all CER-reportable incidents, with thresholds defined by the communities
  - Require First Nations to be notified of any incident that meets CER's reportable criteria.
  - Allow each community to define additional local thresholds
  - Companies must keep updated contact lists and verify that messages are acknowledged.
  - Notifications must include location, type of incident, potential impacts, and planned response actions.
  
4. Fund First Nations emergency response, including equipment, training, and infrastructure
  - Provide multi-year funding to support community readiness near regulated infrastructure





- Funding should cover training in emergency response systems, safety gear, communications technology and transportation, as well as the creation/revision of pipeline-specific sections in Community Emergency Response Plans
  - Invest in infrastructure such as mobile response units, Emergency Operations Centers, or storage for emergency supplies.
  - Funding agreements should be co-developed with First Nations and reviewed annually.
- 5.** Provide First Nations with real-time emergency information
- Companies must deliver timely updates during an incident, including status reports, environmental readings, and containment efforts.
  - Information should be shared through methods chosen by the community, such as direct calls, secure apps, social media or radio broadcasts.
  - First Nations must have access to incident maps, safety data, and response plans as the situation develops.
  - Communication protocols must ensure that updates are continuous, not just at the beginning of an incident.
- 6.** Conduct mandatory joint emergency response drills with First Nations participation
- Require annual, hands-on emergency exercises that include First Nations governments, staff, and designated monitors.
  - Drills should reflect real risks in the area and include protection of cultural sites, water sources, and traditional use areas.
  - Use each exercise to test notification procedures, site access, and coordination between company and community responders.
  - After-action reviews must include First Nations feedback and result in clear changes to improve future performance



## 6.4 D - ENVIRONMENTAL PROTECTION TOPIC PAPER

1. Mandate First Nations Notification When Contamination is Reported to the CER
  - Require immediate notification from companies to affected First Nations when any contamination is reported, regardless of volume or location.
  - Notifications should include details on the type of contaminant, potential health and environmental risks, and planned response measures.
  - Notification protocols must be clear, automatic, and developed with potentially affected First Nations
  - Include First Nations in follow-up investigations and site inspections to verify extent of damage and ensure appropriate cleanup.
  
2. Require First Nations Participation in Environmental Monitoring
  - Involve First Nations in environmental monitoring for all lifecycle stages of regulated infrastructure, including construction, operation, decommissioning, and reclamation.
  - Participation must go beyond observation to include planning, data collection, sampling, and interpretation.
  - Require that monitoring programs are co-designed with First Nations, and that the CER or companies provide training and funding to support these roles.
  - Monitoring results must be reviewed jointly to co-design environmental risk mitigation measures
  
3. Restore Impacted Culturally Significant Ecosystems and Traditional Land Use Areas
  - Restoration must restore the land to a condition where First Nations can resume traditional uses such as hunting, fishing, harvesting, and ceremony.
  - Impacted ecosystems should be assessed in collaboration with First Nations to determine the appropriate restoration benchmarks.
  - Require companies to submit restoration plans for culturally significant areas, with First Nations approval before work begins.
  - Hold proponents accountable through regulatory conditions tied to land use recovery, not just technical closure.
  
4. Develop First Nations-Led Climate Resiliency Assessments
  - Recognize climate change as a key factor in long-term environmental risk and require operators to integrate climate risk planning into their operations.





- First Nations should lead localized climate resiliency assessments that identify vulnerabilities such as flooding, erosion, and wildfire risk.
- These assessments should inform pipeline route planning, maintenance schedules, and emergency preparedness.
- Reflect First Nations assessments in broader climate adaptation strategies.

**5. Resource First Nations to Participate in Environmental Protection Initiatives**

- First Nations need consistent, long-term funding to fully participate in environmental protection. This includes staffing, training, equipment, and technical support.
- Require companies to allocate funding for First Nations participation as part of project conditions.
- Allow communities to allocate resources where they see the most environmental risk or cultural importance.
- Capacity support should also include access to data, environmental technology, and external expertise when needed.

**6. Monitor Cumulative Effects on First Nations**

- Require project assessments and monitoring programs to account for cumulative environmental effects over time.
- This includes the combined impacts of multiple pipelines, roads, facilities, and other land disturbances on water, wildlife, soil, and community land use.
- First Nations must lead or co-lead the development of indicators that measure how cumulative impacts are affecting their lands and rights.
- Require that mitigation or restoration measures address cumulative project impacts, with regular reporting to affected First Nations.





## 6.5 E - HUMAN AND ORGANIZATIONAL FACTORS (HOF)

1. Reflect Traditional Knowledge in Workplace Hazard Assessments
  - Hazard assessments should include local land use knowledge and experience from First Nations that reflect environmental patterns, seasonal risks, and long-standing site conditions.
  - Require companies to consult First Nations on hazard identification.
  - Templates and guidance should include culturally relevant indicators, such as wildlife patterns, land stability, and access to harvesting areas.
  - Including this knowledge will improve early detection of risk and ensure hazard controls reflect on-the-ground realities.
2. Eliminate Cultural Bias in HOF Frameworks Through First Nations Consultation
  - Current HOF frameworks often rely on western management systems that do not reflect First Nations decision-making or communication practices.
  - Require consultation with First Nations to revise these frameworks so they reflect community-based governance, consensus building, and shared responsibility models.
  - Biases in how safety culture is defined, how incidents are interpreted, and how teams are evaluated must be corrected to respect community values and working styles.
3. Involve First Nations in Incident Investigations and Performance Reviews
  - Include First Nations in all investigations of incidents that occur on or near their lands. This includes access to all relevant data, participation in root-cause analysis, and the ability to offer corrective recommendations.
  - Performance reviews of pipeline operators should include First Nations feedback on how well safety measures are being implemented and maintained.
  - Require companies to report how they have addressed First Nations concerns and demonstrate improvements based on that input.
  - Formal roles for community representatives must be written into incident response and organizational audit procedures.
4. Require Cultural Competency Training and Manito Aki Inaakonigewin Education for Pipeline Staff Operating in GCT#3 Area





- Require all company staff and contractors working within Treaty #3 Territory to educate themselves on First Nations governance principles, such as Manito Aki Inaakonigewin, and community protocols for safety and environmental protection.
- Grand Council Treaty #3 and Treaty #3 First Nations provide workshops that may serve as an introduction to Manito Aki Inaakonigewin (but cannot be considered certification trainings), but proponents and their staff are encouraged to seek further insight by building relationships with Treaty #3 Knowledge Holders.
- Mandate proponents to resource affected First Nations (or, if directed by the Nations, Grand Council Treaty #3) to develop appropriate trainings that deliver the necessary cultural knowledge to advance pipeline development in Treaty #3.
- Education sessions must be designed and delivered by First Nations and updated regularly to reflect evolving community guidance.
- Cultural education helps build mutual respect, improve communication during operations, and help prevent misunderstandings during incidents or field activities.

##### 5. Fund First Nations-Led Safety Initiatives

- Dedicated, long-term funding must be established to support safety planning, training, and oversight roles carried out by First Nations.
- This includes resources for safety officers, community-based response teams, safety audits, and localized risk assessments.
- Funding should be flexible and available for both proactive and reactive needs, including new risks identified during pipeline operations or emergencies.
- Include this funding requirement as part of the approval process for new projects and major operational changes.

##### 6. Improve Transparency in Regulatory Oversight and Safety Data-Sharing with First Nations

- Give First Nations access to safety performance data, incident logs, and inspection results relevant to their territories.
- Information must be timely, clear, and available in formats that communities can easily use for their own planning and oversight.



- Establish a reporting tool where First Nations can track regulatory compliance and submit concerns.
- Sharing this information helps build trust, supports accountability, and enables joint oversight of safety commitments.





## 6.6 F - MANAGEMENT SYSTEM AND CONTRACTOR MANAGEMENT TOPIC PAPER

1. Reflect Anishinaabe Governance Structures in Corporate Management Systems
  - Management systems, including policies related to safety, environmental protection, and land use, must reflect Anishinaabe decision-making processes.
  - Require Companies to demonstrate how First Nations governance is built into risk assessments, compliance tracking, emergency planning, and day-to-day operations.
  - Align roles and responsibilities with First Nations protocols, not just generic *stakeholder* input.
  - Include this requirement under the OPR sections on policies, goals, and accountability to ensure alignment with community governance.
  
2. Involve First Nations in Contractor Selection, Evaluation, and Oversight
  - Pipeline companies must involve First Nations in selecting contractors who will work on or near their territories.
  - Evaluation criteria should include contractors' past performance on cultural safety, environmental protection, and adherence to community-specific rules.
  - Include First Nations on contractor oversight panels to address compliance concerns, including the right to remove contractors in case of serious compliance violations.
  - Define these roles in agreements between the company and the First Nations, supported by the CER.
  
3. Ensure Contractors Undergo Mandatory Cultural Awareness and Environmental Protection Training
  - Require contractors to complete cultural training that reflects the values, laws, and expectations of the First Nations whose lands they will work on.
  - Training should be delivered by Grand Council Treaty #3 or affected First Nations and include topics like access protocols, seasonal land use, environmental sensitivities, safety practices, and respectful conduct and reporting procedures in the field.
  - Completion of this training should be a condition of contract eligibility and documented in regulatory filings.



4. Establish Joint Oversight Committees to Monitor Compliance and Conduct Audits
  - Require companies to create standing oversight committees with First Nations representation to track contractor and company compliance.
  - These committees would participate in regular site inspections, safety audits, and review of operational performance.
  - Authorize oversight committees to escalate issues, recommend corrective actions, and ensure responses are followed through.
  - These mechanisms should be clearly supported through CER enforcement powers and tied to the company's continued approval to operate.
  - Require companies to develop formal processes, co-designed with First Nations, to resolve disputes related to contractor behaviour, land access, or non-compliance.
  - These mechanisms should respect community governance processes and provide clear escalation steps, timelines, and remedies.
  - Require contractors and operators to document how they will address issues raised by First Nations in a timely and culturally respectful manner.
  
5. Share Compliance Reports with First Nations
  - CER and regulated companies must share all compliance reports related to operations on First Nations land in a clear, timely, and transparent way.
  - This includes environmental monitoring results, incident investigations, contractor evaluations, and inspection reports.
  - Reports should be shared in understandable and accessible formats.
  - This transparency helps ensure accountability and strengthens trust in the oversight process.
  
6. Resource First Nations to Participate in Regulatory and Monitoring Activities
  - First Nations require consistent and dedicated funding to take part in inspections, training, data analysis, and enforcement discussions.
  - Mandate funding to First Nations as part of their regulatory compliance oversight, including support for staffing, travel, equipment, and legal or technical review.
  - Communities must be resourced to attend meetings, lead local monitoring, and contribute to decision-making throughout the pipeline lifecycle.
  - Funding commitments should be long-term and enforceable, not project-by-project.



## 6.7 G - PIPELINE INTEGRITY TOPIC PAPER

1. Include Methanol and Ammonia in the Definition of Onshore Pipelines
  - Expand the definition of “onshore pipelines” to include methanol and ammonia, aligning with recent updates from provinces such as British Columbia.
  - Methanol and ammonia carry unique environmental and safety risks. Including them ensures federal regulations cover all hazardous liquids transported through pipelines.
  - The expanded definition would close a gap in oversight and reduce regulatory inconsistencies between provinces and federal authorities.
  - This change must harmonize consultation requirements with First Nations for all hazardous liquids transported through pipelines.
  
2. Require First Nations Approval for New, Untested Pipeline Technologies
  - Pipeline operators proposing to use technologies that have not been proven or included in the current OPR should be required to obtain consent from affected First Nations before deployment.
  - This includes new materials, inspection techniques, installation methods, and high-pressure systems.
  - First Nations must be resourced to review technical materials and risk assessments, either independently or jointly with third-party experts.
  - The approval process should be formal, with clear timelines, documentation, and the ability to pause or reject technologies that present unacceptable risks.
  
3. Establish First Nations-Led Geohazard Monitoring Programs
  - Geohazard risks such as erosion, seismic activity, permafrost thaw, and landslides must be continuously monitored in pipeline corridors.
  - First Nations must lead or co-lead these monitoring programs, especially in areas where they have identified high-risk terrain or sensitive land features.
  - Programs should include long-term field observation, drone and sensor-based monitoring, and shared access to real-time data.
  - Monitoring plans must be reviewed jointly and updated regularly to reflect land changes, seasonal patterns, and new risk information.
  
4. Strengthen Storage Facility and Pump Station Oversight and Spill Containment Measures



- Strengthen requirements for spill containment, leak detection, and fire suppression at pump stations and storage facilities, especially those near First Nations communities or cultural sites.
- Require companies to demonstrate that emergency response plans are site-specific and developed in partnership with First Nations.
- Storage facilities should include secondary containment systems capable of managing both minor leaks and high-risk failures.
- Include First Nations in audits, site visits, and response exercises tied to these facilities.

#### 5. Resource First Nations to Oversee Pipeline Integrity Management

- Provide sustainable and long-term funding for First Nations to participate in all aspects of pipeline integrity, including inspections, technical reviews, and data analysis.
- This includes funding for trained staff, equipment, monitoring programs, and participation in regulatory proceedings.
- Without consistent resources, First Nations cannot fully exercise oversight or hold operators accountable to safety and environmental standards.
- CER should include these resourcing commitments as a required condition of pipeline approval and ongoing compliance.





## 6.8 H - REPORTING HARM TOPIC PAPER

1. Include Cumulative Harm and Cultural Impacts in the Definition of Reportable Incidents
  - Revise the definition of “incident” to include long-term and layered environmental harm, cultural disruption, and land-use impacts, not just acute chemical spills or equipment failures.
  - Reportable incidents should include any activity that results in damage to burial grounds, ceremonial areas, traditional harvesting zones, or community-defined Sites of Significant Interest.
  - The updated definition must capture cumulative effects that occur through repeated small-scale disturbances, such as habitat degradation or routine clearing, which compound over time.
  - Incident reports should include both immediate and long-term cultural or environmental consequences.
  
2. Mandate Site Protections and Advance Consultation Before Any Activities Occur Near Sites of Significant Interest (SSI)
  - Activities near SSIs must not proceed without prior consultation with the affected First Nation.
  - Require operators to identify and map SSIs in partnership with First Nations and update these designations regularly.
  - Mandate buffer zones, cultural risk assessments, and formal protections to prevent disturbance of SSI.
  - A legal trigger for consultation and notification should be activated before any construction, maintenance, or access within proximity to these sites.
  
3. Require Reporting of Non-Chemical Environmental Disturbances That Impact Land, Wildlife, and Traditional Use Areas
  - Include in the reporting framework disturbances like erosion, noise, vibrations, unauthorized access, and wildlife displacement, even when no chemical release occurs.
  - Reports should document impacts on culturally important species, harvesting areas, or landforms with ceremonial value and the steps taken to reduce further harm.
  - Define reportable events clearly and require companies to assess and mitigate damage using First Nations-led criteria.





- The absence of chemicals does not mean the absence of harm as physical disturbances must be tracked with equal importance.

#### 4. Implement Real-Time Notification Protocols When Pipeline Operators Lose Control of Infrastructure

- Operators must notify affected First Nations within one to two hours of losing operational control, including during equipment malfunctions, remote access failures, or communication breakdowns.
- Notifications must include the time and location of the event, systems affected, risk to land or water, and immediate containment actions underway.
- Provide First Nations with access to real-time operational data and updates so they can respond proactively.
- Notification protocols should be legally enforceable and tested as part of joint preparedness plans.

#### 5. Enforce Reporting for High-Potential Near Misses

- Require operators to report near misses that could have resulted in harm to land, water, or culturally significant areas, even if no actual incident occurred.
- These reports should include a full risk assessment, root cause analysis, and proposed changes to prevent future occurrences.
- Analyze trends in near misses to improve industry practices and strengthen oversight.

#### 6. Ensure Full Transparency and Data Access for First Nations Regarding Incident Reporting and Regulatory Decisions

- All incident reports must be shared with affected First Nations in a timely and clear manner, including maps, mitigation timelines, and follow-up actions.
- Reports should include cultural and environmental impact summaries, in addition to technical or legal findings.
- Ensure that data systems used by operators allow for shared access by First Nations monitors and decision-makers.
- Regulatory decisions tied to incident responses should be open for review by First Nations

#### 7. Resource First Nations to Participate in Environmental Oversight and Harm Reporting



- Provide First Nations with sustainable funding to engage in oversight activities, incident response, site inspections, and policy development.
- This includes resources for staffing, legal and technical support, data systems, and ongoing training.
- Integrate funding commitments in regulatory conditions for project approvals
- Resource First Nations to lead their own harm assessment processes and submit findings directly to the CER.





## 6.9 I - RIGHTS AND INTERESTS OF INDIGENOUS PEOPLES, SOCIO-ECONOMIC EFFECTS, AND ENGAGEMENT TOPIC PAPER

1. Establish a Legally Binding First Nations Rights Protection Framework
  - Adopt a regulatory framework that recognizes and protects First Nations rights, governance structures and legal traditions.
  - Include enforceable requirements to reflect First Nations' legal orders into pipeline decision-making, operations, and impact assessments.
  - Recognize First Nations' decision-making authority, with legal consequences for violations.
  - Include mandatory assessment criteria for cultural, environmental, and socio-economic impacts before project approvals are granted.
  
2. Mandate Enforceable Nation-to-Nation Consultation Agreements
  - Require companies to make binding consultation agreements with First Nations prior to regulatory approvals.
  - Agreements must define how consultation will occur, what decision-making powers First Nations hold, and how disputes will be resolved.
  - Enforce consultation agreements as a condition of project approval.
  - Ensure funding is provided early in the process to support First Nations in hiring legal, technical, and economic advisors to negotiate on equal footing.
  
3. Require Revenue-Sharing Agreements That Guarantee First Nations Benefit Equitably from Pipeline Projects
  - Make revenue-sharing with affected First Nations and the Anishinaabe Nation in Treaty #3 a mandatory condition for pipeline approval in Treaty #3 Territory, not a voluntary or discretionary arrangement.
  - The terms of the Revenue-Sharing Agreement must be agreed upon by the First Nations, Grand Council Treaty #3, and the proponent.
  - Revenue-sharing could be based on throughput or project earnings, ensuring consistent and fair distribution of benefits, and should cover the full lifecycle of the project.
  
4. Require First Nations Equity Participation Options to Support Economic Self-Determination
  - Require companies to offer equity stakes to impacted First Nations.
  - This provides communities with a meaningful financial role in the project and supports long-term economic development



- Support First Nations with advisory services and financing tools to evaluate and pursue equity options on their terms.
  - Equity participation complements, not replaces, consultation, environmental safeguards, or other benefit mechanisms
- 5. Recognize Authority of First Nations to Enforce Compliance**
- Empower First Nations to lead or co-lead environmental, cultural, and socio-economic monitoring across all pipeline phases.
  - Recognize authority of First Nations to recommend corrective actions or escalate non-compliance.
  - Mandate companies to share data, grant site access, and respond to recommendations issued by First Nations monitors and compliance officers.
  - First Nation monitoring and compliance teams should be funded through regulated cost recovery, not short-term project budgets.
- 6. Implement Enforcement Mechanisms with Escalating Penalties and Permit Suspensions for Repeat Violations**
- Introduce a clear and structured enforcement ladder that begins with financial penalties and escalates to permit suspension or shutdown for persistent non-compliance.
  - Include violations related to consultation, cultural site protection, and socio-economic commitments.
  - Recognize authority of First Nations to identify and document violations, and that their evidence can trigger enforcement action.
  - Publish enforcement outcomes to ensure transparency and public accountability.
  - Share revenue from any fines with First Nations and Grand Council Treaty #3 to support monitoring and compliance capacity
- 7. Require Public Disclosure of Compliance Records**
- Mandate companies to disclose consultation records, revenue-sharing commitments, monitoring results, and enforcement actions.
  - Information should be shared in a format that is accessible to First Nations governments and communities.
  - Maintain a centralized database of compliance history by company, project, or region.





- Transparency will help communities make informed decisions and will incentivize better corporate behaviour.





## 6.10 J - SAFETY TOPIC PAPER

1. Involve First Nations in All Pipeline Safety Inspections and Monitoring
  - Define roles of First Nations in pipeline safety programs, including inspections, audits, risk assessments, and review of safety procedures.
  - Participation should be consistent across construction, operations, maintenance, and abandonment phases.
  - First Nations representatives must be included in joint safety committees and have the authority to raise concerns, request corrective actions, and participate in follow-up inspections.
  - Support roles with training, access to technical data, and regulatory backing
2. Require Real-Time Leak Detection Systems with First Nations Access to Monitoring Data
  - Require real-time leak detection systems in all pipelines to allow for early identification of safety risks.
  - Give First Nations full access to monitoring dashboards, alerts, and interpretation tools in a fashion that allows First Nations to assess and respond to threats independently.
  - Require operators to integrate leak detection systems with community notification protocols.
  - Data-sharing should be standardized, with secure and user-friendly interfaces for First Nations monitors.
3. Enforce Stricter Oversight and Maintenance for Aging Pipelines
  - Strengthen inspection and reporting requirements for pipelines beyond a certain age or nearing end of design life.
  - Require enhanced integrity testing, corrosion prevention, and accelerated repair protocols for older infrastructure.
  - First Nations must be notified in advance of any aging pipeline assessments that are located on or near their lands, and they must have a role in overseeing or verifying results.
  - Make compliance records for aging pipelines available to First Nations, with clear follow-up timelines for any deficiencies.
4. Establish Long-Term Safety Monitoring for Abandoned Pipelines





- Require long-term monitoring and reporting for deactivated or abandoned pipelines, including groundwater testing, soil stability, and structural assessments.
  - First Nations should lead or co-lead abandoned site monitoring programs in their territories.
  - Monitoring must continue until the land is confirmed as stable, clean, and suitable for traditional or future land uses.
  - Require funding and access to data before approving abandonment
- 5. Formalize First Nations Roles in Emergency Response Planning and Real-Time Incident Reporting**
- Recognize First Nations as partners in emergency planning, not just as external responders.
  - Emergency plans must be developed with First Nations and include site-specific cultural and environmental considerations.
  - During emergencies, provide First Nations with real-time incident notifications and status updates through direct channels.
  - Require First Nation participation in training, exercises, and live response operations
- 6. Increase Transparency in Pipeline Safety Performance and Risk Assessments**
- Publish safety performance data, including near-miss reports, hazard assessments, and incident investigations that affect First Nations lands and communities.
  - Give First Nations direct access to the same safety information provided to regulators and companies.
  - Require companies to address First Nations concerns in their safety plans and risk mitigation measures.
  - First Nations access to safety data builds trust, improves accountability, and strengthens oversight across the lifecycle of the pipeline.
- 7. Resource First Nations to Participate in Pipeline Safety Management**
- Require long-term, predictable funding to support First Nations participation in safety programs, inspections, training, and emergency preparedness.
  - Resourcing must include personnel, technology, transportation, and access to third-party expertise when needed.



- Resourced participation ensures communities can respond in real time and contribute to continuous safety improvements.





## 6.11 K - FILING MANUAL: ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT TOPIC PAPER

1. Mandate First Nations-led Environmental and Socio-economic Impact Assessments
  - First Nations must be the lead or co-lead on environmental and socio-economic assessments when projects affect their lands, rights, or interests.
  - Require proponents to fund and follow First Nations-led assessments from the early planning stage.
  - These assessments must be given equal weight to proponent-led studies in regulatory decision-making.
2. Require Proponents to Commit to Community Investment Agreements that Support the Proposed Project and Build long-term Capacity.
  - Require binding community investment agreements with affected First Nations
  - These agreements should include commitments for workforce development, infrastructure funding, business participation, and ongoing support beyond construction, and be updated as community needs evolve.
  - Companies must demonstrate how investments will address long-term social and economic impacts identified through the ESA process.
  - Monitor agreements for compliance over the project's life
3. Include Regional and long-term Impacts and Climate Change Considerations in Cumulative Effects Assessments
  - Require cumulative effects assessments to evaluate regional-scale environmental and socio-economic impacts across multiple projects and industries.
  - Assessments must include long-term tracking of land use change, habitat degradation, and climate-driven risks such as wildfire, flooding, and drought.
  - Involve First Nations in defining geographic boundaries and indicators for cumulative impacts.
  - These assessments must be forward-looking and include adaptive measures to respond to changing environmental conditions.
4. Resource First Nations to Monitor Compliance with ESA Commitments
  - Require project proponents to fund First Nations-led monitoring teams to verify implementation of ESA commitments.





- These resources must cover staffing, training, fieldwork, equipment, data management, and reporting.
  - Monitoring roles must be recognized in project conditions and tied to enforcement mechanisms if commitments are not met.
  - Mandate First Nations access to real-time environmental and socio-economic data to track progress and raise concerns.
- 5. Improve Transparency and Accessibility of ESA Reporting to Impacted First Nations**
- Share ESA findings, commitments, and updates with First Nations through secure, user-friendly platforms.
  - Reports must include plain-language summaries, maps, timelines, and clear explanations of risks and mitigation strategies.
  - Set reporting standards for format, frequency, and accessibility that all project proponents must follow.
  - Transparency ensures communities can make informed decisions and hold companies accountable to their commitments.
- 6. Implement a Standardized “Significance Framework” that Integrates Anishinaabe Perspectives**
- Include a clear and consistent framework for determining significance of impacts, with criteria that reflect First Nations cultural, social, and ecological values.
  - Significance assessments must consider magnitude, duration, reversibility, and the cultural importance of affected areas or species.
  - Include First Nations in defining these thresholds and in reviewing how significance is determined in ESA submissions.
  - Significance ratings must be linked to stronger mitigation or regulatory action where impacts are deemed high or irreversible.
- 7. Involve First Nations in Selecting Valued Components for Assessment**
- Require project proponents to work with First Nations to identify the Valued Components (VCs) that will be assessed in environmental and socio-economic reviews.
  - VCs must include culturally significant species, water bodies, harvesting areas, housing conditions, and other community-defined land use features.





- Each First Nation must have the opportunity to define what matters most to their community, based on their governance, cultural, and environmental priorities. Examples could be:
  - **1. Environmental Stewardship**
    - Species important to harvesting
    - Water quality and habitat conditions
    - Availability of traditional resources over time
  - **2. Cultural Identity**
    - Language use and revitalization
    - Participation in cultural practices
    - Intergenerational knowledge transfer
    - Access to and use of cultural sites
  - **3. Governance**
    - Involvement in decision-making
    - Recognition of GCT#3 and First Nations authority
    - Role in project reviews and regulatory processes
    - Community trust in external decisions affecting their land
  - **4. Socio/Health**
    - Food security and access to traditional foods
    - Mental and physical health indicators
    - Substance use trends
    - Community safety and well-being
  - **5. Economic Prosperity**
    - Employment levels and opportunities
    - Training and education access
    - Local business participation
    - Equity in economic benefits
- Require proponents to document how First Nations input shaped VC selection and how those VCs were addressed in the assessment.
- The VC selection process must be transparent, clearly recorded, and reviewed with First Nations prior to any final submission.
- This ensures the assessment reflects First Nations values and lived realities, not just technical or commercial considerations.

**8. Require First Nations-led Compliance Monitoring**

- Monitoring of ESA commitments must be conducted by or in partnership with First Nations, with formal recognition of their authority to observe, report, and recommend enforcement actions.





- Require companies to fund this participation and ensure that monitoring teams have access to project sites, data, and CER inspectors.
- Include compliance findings in public reports and CER enforcement decisions.
- This supports independent oversight and strengthens accountability across the project lifecycle.





## 6.12 L - FILING MANUAL: LANDS TOPIC PAPER

1. Require First Nations Consultation in all Crown Land Allocation Processes
  - Require companies to consult with First Nations before any Crown land is identified, assessed, or designated for pipeline development.
  - Consultation must begin early, continue throughout the allocation process, and be tailored to each Nation's governance protocols.
  - Require documented evidence of how First Nations input shaped route selection and land designation.
2. Include First Nation Access and Environmental Protection in all Land Agreements
  - Land agreements must ensure First Nations access to cultural sites, harvesting areas, and traditional travel routes.
  - Agreements must include binding clauses for habitat preservation, water protection, and post-project land restoration.
  - Access terms must be defined with affected Nations and apply through all project phases, including abandonment.
3. Empower First Nations to Oversee Compliance with Land Use Agreements
  - Authorize First Nations to monitor and verify compliance with land access, use, and restoration conditions.
  - Require companies to fund independent First Nations oversight teams.
  - Mandate First Nation access to all relevant documents, sites, and CER inspections related to land use.
4. Adopt First Nations-led Land Valuation Frameworks for Compensation Models to Reflect Cultural and Environmental Impacts
  - Compensation must go beyond market value to include cultural, spiritual, ecological, and long-term community impacts.
  - First Nations must lead or co-lead land valuation using community-defined frameworks that reflect local priorities.
  - These frameworks must be respected in project agreements and reflected in CER regulatory filings.
5. Implement Dispute Resolution Mechanisms to Protect First Nations Rights and Interests
  - Require all land agreements to include a clearly defined, culturally appropriate dispute resolution process.





- These mechanisms must be co-designed with First Nations and recognize their laws and governance structures.
- 6.** Align Crown Land Use with Free, Prior, and Informed Consent (FPIC) Principles under UNDRIP
- All land decisions involving pipeline development must follow FPIC principles and reflect the legal obligations in Canada's UNDRIP Act.
  - Consent must be obtained before any land transfers, access approvals, or construction begins.
- 7.** Require First Nations' Consent for all Surrenders or Expropriation of Crown land
- No surrenders, leases, or expropriation of Crown land within First Nations territories should proceed without documented consent.
  - The CER must not rely solely on procedural consultation where the outcome does not reflect First Nations' position.
  - First Nations must have the ability to reject land transfers that conflict with their laws, stewardship practices, or land-use plans.





## 6.13 M - FILING MANUAL: RIGHTS AND INTERESTS OF INDIGENOUS PEOPLES TOPIC PAPER

1. Mandate First Nations-led Environmental, Socio-economic, and Cultural Impact Assessments in Regulatory Approvals
  - Require proponents to fund and adhere to First Nations-led assessments.
  - First Nations must define the scope, methods, and indicators used to assess project impacts on their lands, rights, and communities.
  - These assessments must be submitted directly to the CER and carry equal weight to proponent-led studies.
  - Allow flexible timelines for proper community-based review and assessment
2. Make Consultation Agreements with First Nations Legally Enforceable by the CER
  - Require proponents to sign formal consultation agreements with each affected First Nation.
  - Agreements must outline timelines, roles, expectations, and decision-making protocols, and must be filed as part of regulatory submissions.
  - Verify that consultation agreements are in place and enforceable before applications can proceed.
  - Failure to uphold these agreements must trigger compliance actions or project delays.
3. Resource and Authorize First Nations to Enforce Compliance
  - Provide First Nations with the authority and resources to monitor and enforce regulatory conditions and project agreements.
  - Compliance roles must include access to project sites, inspection data, and the ability to report and escalate non-compliance.
  - Recognize First Nations as compliance partners, not just observers.
  - Require proponents to fund First Nation compliance programs through long-term agreements that support independent monitoring.
4. Resource First Nations' Participation in Regulatory Processes
  - Ensure First Nations have the financial and technical capacity to engage throughout the regulatory lifecycle.
  - This includes funding for legal support, technical review, staff time, community engagement, and translation or reporting tools.
  - Funding must be predictable, multi-year, and not limited to early project stages.



- Require proponents to submit participation funding plans as part of the project application.
- 5. Protect Culturally Significant Sites through First Nations-led Site Assessments and Mandatory Avoidance Measures**
- Project planning must include site assessments led by affected First Nations to identify sacred, burial, ceremonial, and traditional use areas.
  - These sites must be protected through buffer zones, rerouting requirements, or project redesign.
  - Avoidance must be the first priority; mitigation is not acceptable where sites are irreplaceable or of high cultural importance.
  - Protection measures must be enforceable and documented as project conditions.
- 6. Strengthen Enforcement and Dispute Resolution Mechanisms to Uphold Consultation Agreements, Impact Assessments, and Land-use Protections**
- Include dispute resolution pathways that are co-developed with First Nations and included in project agreements.
  - First Nations must be able to initiate formal enforcement action when agreements or protections are breached.
  - Repeat or serious violations must trigger escalating penalties, including project suspension.
  - Dispute resolution procedures must respect First Nations governance and provide timelines for resolution.
- 7. Secure Long-term Financial and Technical Resources to Support First Nations' Capacity in Regulatory Engagement, Compliance Monitoring, and Environmental Governance**
- Require proponents to provide long-term funding for capacity-building and governance participation.
  - This includes investments in staffing, environmental data systems, legal and technical advice, and infrastructure to support oversight roles.
  - Capacity support must extend through all phases of the project, from application to abandonment.
  - Monitor and report on whether these supports are delivered and maintained as part of compliance review.





## 6.14 HERITAGE RESOURCES MANAGEMENT IN PRACTICE ON CER-REGULATED PROJECTS

1. Require Early and Meaningful First Nation Participation in Heritage Assessments and Mitigation Planning
  - Require proponents to engage First Nations at the outset of project planning to identify culturally significant sites, features, and landscapes.
  - Heritage assessments must not proceed without First Nations involvement in defining scope, methodology, and determining what qualifies as a heritage resource.
  - Mitigation strategies must be co-developed and must prioritize avoidance of disturbance, not just offsetting or relocation.
  - Require First Nations consent regarding the scope, process, and findings of the heritage assessment.
  - Documentation must show how First Nations participation shaped decisions related to site identification and protective measures.
2. Uphold Manito Aki Inaakonigewin and Other First Nations Legal Orders in the Regulatory Framework to Recognize First Nations Authority in Heritage Resource Management
  - Recognize First Nations laws, such as *Manito Aki Inaakonigewin*, in assessing and protecting heritage resources.
  - First Nations legal orders must guide how heritage assessments are conducted, how sites are accessed, and how decisions are made on preservation or mitigation.
  - Where a First Nation has its own permitting or governance process for heritage protection, it must be reflected in the the regulatory pathway
  - This affirms First Nations jurisdiction over their heritage, consistent with their legal and cultural systems.
3. Fund First Nations-led Monitoring to Support Compliance in Heritage Protection
  - First Nations must lead on-site monitoring during all phases of project activity, from pre-construction through reclamation.
  - Authorize Monitors to access project areas, halt work if required, and recommend corrective action when heritage sites are at risk.
  - Roles must be formally recognized in regulatory conditions and funded through project agreements.
  - Funding must support training, equipment, travel, and reporting infrastructure to ensure consistent monitoring and oversight.



4. Mandate Cultural Awareness Training for Project Personnel and Contractors to Promote Heritage Resource Sensitivity
  - All staff working on CER-regulated projects must complete cultural awareness training delivered or approved by the affected First Nations.
  - Training must include respectful conduct expectations, identification of heritage-sensitive areas, and First Nations-led protocols.
  - Verified training completion as a condition for site access.
  - Refresher training must be provided throughout the project, especially during high-risk or ground-disturbing activities.
5. Develop Standardized Regulatory Guidance to Ensure Consistent Engagement Protocols, Consultation Timelines, and Reporting Mechanisms
  - Include expectations for heritage-related engagement with First Nations.
  - This includes minimum consultation timelines, documentation standards, and reporting requirements.
  - Require proponents to show how First Nations were engaged, what feedback was received, and how that feedback informed project design or heritage mitigation.
  - Support consistent and enforceable expectations across all CER-regulated projects.
6. Introduce Stricter Penalties for Non-compliance
  - Establish and enforce clear penalties for failure to protect heritage resources, including unauthorized site disturbance or failure to follow agreed protocols.
  - Penalties should escalate based on the severity of the impact, repetition of violations, or failure to implement corrective actions.
  - Where significant cultural damage occurs, First Nations and the CER must have the authority to halt work or suspend project authorizations.
  - Enforcement actions and penalties must be reported and shared with First Nations.
7. Provide Dedicated Funding and Resources to Support First Nations' Capacity in Heritage Resource Management, Enabling Active Participation in Regulatory and Monitoring Processes
  - Require proponents to provide long-term funding to support First Nations' ability to manage, monitor, and engage in heritage-related decision-making.
  - This includes funding for staff positions, data systems, legal and technical expertise, and community engagement tools.



- Resources must be available throughout the entire project lifecycle, from assessment and planning to construction, monitoring, and closure.
- Mandate these supports as core project requirements, not discretionary or short-term contributions.





## 7. Conclusion

Grand Council Treaty #3 acknowledges the opportunity to review and respond to the Canada Energy Regulator’s Topic Papers as part of the Phase II review of the Onshore Pipeline Regulations and Filing Manual. This report reflects both technical analysis and the expressed priorities of the Anishinaabe Nation in Treaty #3.

Looking ahead, the Territorial Planning Unit urges the CER to continue structured engagement with GCT#3 and First Nations in the territory before advancing to the Gazette stage. This includes site-specific engagement where CER-regulated infrastructure is present, and the co-development of future regulatory measures that uphold Anishinaabe law, jurisdiction, and stewardship responsibilities. GCT#3 expects continued involvement in shaping the regulatory framework to ensure it aligns with the rights, interests, and legal orders of the Anishinaabe Nation in Treaty #3.

## 8. Appendix A: Glossary

**Anishinaabe Nibi Inaakonigewin:** the traditional Anishinaabe water law

**CER:** Canada Energy Regulator

**FM:** Filing Manuals

**FN:** First Nation

**GCT#3:** Grand Council Treaty #3

**IMARs:** Indigenous Ministerial Arrangement Regulations

**Manito Aki Inaakonigewin:** The Great Earth Law. The traditional Anishinaabe land law

**NRCan:** Natural Resources Canada

**OPR:** Onshore Pipeline Regulations

**TPU:** Territorial Planning Unit





## 9. Appendix B: Cited Works

First Nations Information Governance Centre. 2014. Ownership, Control, Access and Possession (OCAP): The Path to First Nations Information Governance. Ottawa, ON: First Nations Information Governance Centre.

Grand Council Treaty #3. 2022. *Land Manager's Toolkit*. Kenora, ON: Grand Council Treaty #3.

Grand Council Treaty #3. 2023. *Manito Aki Inaakonigewin Information Package*. Kenora, ON: Grand Council Treaty 3.

