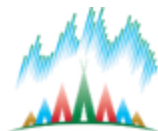




Onshore Pipeline Regulations and Filing Manuals Review

Summary of Saskatoon
Engagement, February 27th, 2025

Saskatchewan First Nations
Natural Resource Centre of
Excellence



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Background on the Saskatchewan First Nations Natural Resource Centre of Excellence

Founded in September 2009 by the Federation of Sovereign Indigenous Nations (FSIN) Lands and Resources Commission, the Saskatchewan First Nations Natural Resource Centre of Excellence (the [Centre](#)) is a unique Canadian institution in that is wholly owned by the 74 First Nations in Saskatchewan with a mandate from elected leadership to support their participation in the responsible development of energy and natural resources within their Treaty lands and traditional territories.

The Centre is directly accountable to grassroots First Nations in Saskatchewan through its 12-member Board of Directors comprised of elected leadership representing each of the 10 provincial Tribal Councils, Independent Nations in the province and the FSIN. The Centre's Board of Directors are decision-makers and caretakers of the numbered Treaties and by their direction, mandate the Centre to provide a full spectrum of technical services and support to First Nations including:

- capacity building,
- proponent engagement,
- participation in Duty to Consult processes,
- negotiation of impact benefits agreements,
- business development,
- revenue sharing, ownership and equity, and
- lifecycle environmental and cultural monitoring.

The Centre works with its federal and provincial government partners and relevant Crown Corporations to advance initiatives to support workforce development and equity opportunities in the resource development economy including the emerging critical minerals value chains, net-zero energy projects, expansion of irrigation networks, and interprovincial energy and trade corridors.

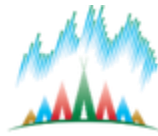
In addition to supporting First Nations' economic participation in major project development, the Centre also plays a valuable role in convening the perspectives of First Nations in Saskatchewan into resource development and energy policy at both the Federal and provincial level.

Background on the Onshore Pipeline Regulations and Filing Manuals Review

Onshore Pipeline Regulations

The Onshore Pipeline Regulations (OPR) are established under the Canadian Energy Regulator Act (*CERA* 2019 and provides the legal framework for the Canada Energy Regulator (CER) to oversee and regulate interprovincial pipeline infrastructure, ensuring they meet safety and environmental standards. The OPR covers various aspects, including:

1. **Design:** Ensuring pipelines are designed to meet safety and operational requirements.



2. **Construction:** Setting standards for the construction process to minimize risks.
3. **Operation:** Establishing requirements for the ongoing safe and reliable operation of pipelines.
4. **Abandonment:** Providing guidelines for the responsible decommissioning and removal of pipelines at the end of their lifespan.

As required by the OPR, CER-regulated pipeline operators must establish, implement and maintain management systems and protection programs in order to anticipate, prevent, manage and mitigate conditions that may adversely affect the safety and security of the company's pipelines, employees, the public, as well as property and the environment. A CER-regulated pipeline operator's management system applies to the company's programs for safety, pipeline integrity, environmental protection, emergency management, damage prevention and security.

The management system and protection programs that are currently required in the OPR are a mix of prescriptive and performance-based requirements. To ensure regulated companies comply with the CER Act and related regulations within the OPR, the CER conducts compliance activities including conducting compliance assessment meetings, inspections and audits. When requested by the CER, companies must demonstrate the adequacy and effectiveness of the management processes and procedures employed.

Filing Manuals

The CER's Filing Manuals contains requirements that regulated companies must adhere to and report on for OPR requirements involving applications that require CER authorization, such as the design and construction of new pipelines. Filing Manuals are guidance documents created by the CER to help applicants and interested parties understand what to include in their applications to the CER. The Filing Manuals are structure to clearly communicate filing requirements, including goal statements, filing requirements, and guidance sections. They provide detailed instructions on the information and level of detail required for various types of filings, ensuring a consistent and predictable regulatory process.

Regulation Review

Currently, the OPR does not include explicit requirements related to preventing and addressing impacts to the rights and interests of Indigenous Peoples, or the management of socio-economic effects. The OPR does include limited requirements related to communication and engagement with the general public – for example the OPR requires that companies have a management system process for internal and external communication of information related to safety, security, and protection of the environment. The OPR also requires that companies develop a continuing education program for first responders and the public on emergency response measures.

In the absence of specific guidance, the CER has used other regulatory instruments to address project-specific impacts and communicate its expectations to companies in these areas. This includes guidance – which is information produced by the CER which is intended to provide clarity and guide the actions of those who must comply with their requirements and processes. Examples of this includes 1) the CER's Filing Manuals, and 2) recent guidance in all-company letters outlining industry best practices for notifications to Indigenous Peoples regarding CER-reportable incidents.

Starting in 2022, the CER initiated a comprehensive review of the OPR under the CER Act to update the regulations. The CER’s objective for the OPR Review is to deliver a regulation that supports the highest level of safety, security and environmental protection, advances Reconciliation with Indigenous peoples, addresses transparency and inclusive participation, provides for predictable and timely oversight and encourages innovation.

The CER is also updating various sections of its Filing Manuals to reflect changing requirements, conditions, regulations, industry practices, and feedback received from regulated companies, Indigenous Peoples and other interested persons or groups.

The CER anticipates that the majority of new requirements relating to the rights and interests of Indigenous Peoples, socio-economic effects and engagement will be performance-based requirements, to be responsive to the needs and preferences of those affected by pipeline activities. A performance-based approach is also intended to provide the flexibility that companies need to be respectful of the distinct rights, interests, governance and knowledge systems of Indigenous Peoples.

Background on the Onshore Pipeline Regulations and Filing Manuals Review Engagement Session

The February 28 2025 engagement session was hosted in collaboration between the Centre and Federation of Sovereign Indigenous Nations (FSIN) in Saskatoon at Wanuskewin Heritage Park and brought together over 70 First Nations representatives from all Treaty areas in Saskatchewan. Participants included First Nations leadership (Chiefs and Councillors), lands and resources staff, consultation staff and knowledge keepers. The session was supported by staff from the Canada Energy Regulator.

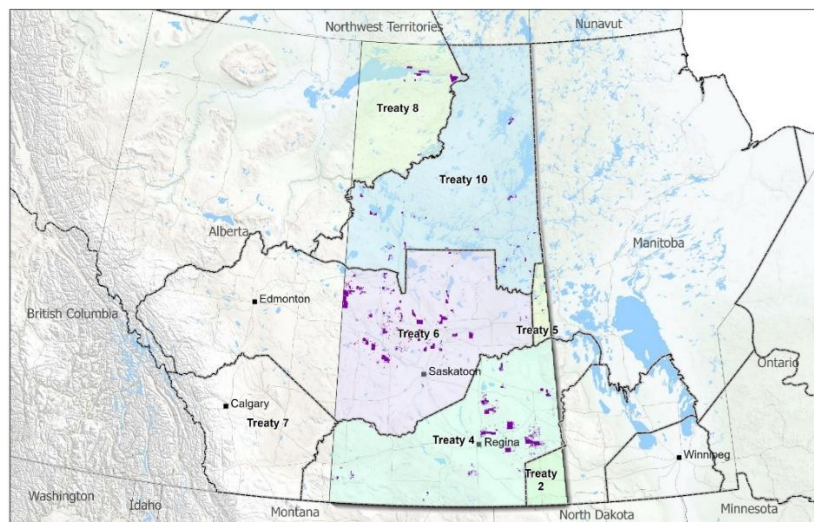


Fig. 1: Treaty Areas in Saskatchewan

The session opened with a morning presentation from the CER focused on the OPR and Filing Manuals Review, followed by discussion led by assembled leadership where concerns about interprovincial pipeline development were shared. The afternoon breakout sessions focused on a number of scenarios developed by the Centre (see Appendix A: Onshore Pipeline Regulations Scenario Facilitation Guide) supplemented by a series of survey questions developed in collaboration with the FSIN (see Appendix B: FSIN Survey Responses and Themes).

Themes from the Onshore Pipeline Regulations and Filing Manuals Review Engagement Session

General Comments on the CER's Regulation of Interprovincial Pipelines

First Nations across Saskatchewan are unified in their call for immediate and meaningful modernization of Canada's pipeline regulatory framework. The current system disproportionately places the risks of interprovincial pipeline projects on First Nations, while denying us a fair share of the benefits. Our Treaty and Inherent Rights continue to be sidelined while our lands, waters, traditional resources, and ways of life are placed in jeopardy—with no corresponding economic return. This is unacceptable.

At the February 28, 2025 engagement session in Saskatoon, First Nations leaders made it unequivocally clear: resource revenue sharing must be implemented. It is a necessary step toward upholding the Crown's Treaty obligations and ensuring First Nations are full partners - not afterthoughts - in decisions that directly impact our territories. First Nations must have a seat at the table alongside governments and industry proponents. The days of token consultation and "divide-and-conquer" tactics must end. All impacted Nations must be treated equitably, and economic benefits must be shared fairly across all affected communities.

First Nations demand Inherent and Treaty Rights enforcement—not empty recognition. The Government of Canada and the CER must reject industry practices that exclude our people from early decision-making and economic participation. When it comes to pipeline construction, maintenance, and the sale of existing assets, First Nations must be granted the “first right of refusal.” We also reaffirm our intention to own and regulate infrastructure on our lands, guided by our laws, our ceremonies, and our sacred responsibilities.

There is an urgent need to rebuild trust. Current regulatory approaches continue to dismiss or ignore First Nations' knowledge and lived experience. The CER's consultation processes are often viewed as bureaucratic formalities rather than honourable engagement. This systemic exclusion silences First Nations voices and erodes the foundation of the Crown-First Nation relationship.

We demand concrete reforms:

- **Indigenous and Traditional Knowledge:** First Nations must retain full ownership and oversight of knowledge collected during assessments of regulated facilities. This knowledge must be protected from misuse and remain accessible to those First Nations who provided it.

- **Transparency:** The CER must establish an interactive online public registry detailing consultation and accommodation processes and results, regulatory filings, and assessment reports, so that all communities can access, track and comment on project information in real time.
- **Filing Manuals:** These must be revised to clearly define proponent responsibilities in relation to First Nations consultation, with enforceable requirements and stronger oversight from the CER with defined accountability mechanisms to impacted Rights Holders.
- **Cultural Protections:** Mandatory stop-work provisions must be enacted when heritage sites are discovered, with local Elders leading cultural assessments. First Nations must have veto rights over activities that threaten sacred and cultural sites.
- **Artifact Stewardship:** Chance finds must be transferred to local First Nations for protection and cultural determination—not retained by corporations and provincial archives.
- **Emergency Response:** First Nations-specific alert systems and comprehensive First Nations land mapping must be integrated into all emergency and incident response protocols.
- **Restoration & Remediation:** Pipeline restoration frameworks must be co-developed with First Nations, setting clear expectations, goals, and access to funding for spill response and land healing.
- **Oversight & Monitoring:** First Nations must be empowered to implement their own monitoring protocols grounded in their own legal and cultural frameworks, with the eventual goal of transitioning to First Nations-led regulatory authorities.
- **Decision-Making Authority:** There must be formal mechanisms for the delegation of regulatory powers to First Nations over studies, impact assessments, and compliance monitoring.
- **Conditions & Compliance:** First Nations must be able to determine the adequacy of companies' compliance with project conditions through defined mechanisms that enable First Nations' oversight of compliance measures, the ability to enforce and the ability to define and determine enforcement measures. When fines are levied (Administrative Monetary Penalties), these funds should be directed towards impacted Rights Holders on whose lands those infractions occur.

Our leadership is clear: engagement must begin before project announcements, not after. Too often, First Nations are shut out of early-stage discussions and forced to react to decisions already made. This not only undermines the honour of the Crown—it reinforces colonial systems of dispossession and marginalization.

Many Nations have already developed their own consultation and engagement protocols. These must be respected, not overridden by industry templates or narrow regulatory interpretations. While some standardization may support clarity, First Nations must define how they are to be engaged - on our terms, in our ways.

At present, the CER continues to be perceived as reactive and deferential to industry. First Nations question whether the CER is upholding its duty to regulate in the public interest or simply rubber-stamping industrial projects. This must change. The CER must become an advocate for fairness, equity, and reconciliation - not a facilitator of exclusion.

We also call for greater transparency and education around regulatory systems, including the distinctions between rules-based, goals-based, and management system-based approaches. A more informed public and a more engaged First Nations community will only strengthen regulatory outcomes.

Finally, the jurisdictional divide between federal and provincial pipeline oversight continues to create confusion and harm. The federal government holds a fiduciary duty to First Nations. This cannot be downloaded or delegated to provinces without our consent. Doing so is a violation of the Crown's legal and moral obligations to First Nations peoples.

The new regulatory framework must go beyond pipelines themselves. It must protect culturally significant landscapes, preserve opportunities for intergenerational knowledge transfer, and embed First Nations governance within the regulatory structure itself.

During the January 28, 2025 engagement session, participants expressed a clear interest in ongoing, structured dialogue with the CER, including annual meetings organized by Treaty or provincial regions. Relationships matter. The CER must proactively engage with First Nations lands and resources personnel, building trust through consistency and shared purpose.

This is a call to action - not a request for future consideration. First Nations will no longer accept the status quo. We expect the Government of Canada, the CER, and pipeline proponents to honour our Treaties, respect our jurisdictions, and include us meaningfully at every level of decision-making. The future of energy infrastructure in Canada must be one of true partnership, equity, and respect for First Nations rights.

Topic Paper B: OPR - Deactivation and End of Lifecycle

First Nations demand meaningful oversight and full participation in pipeline deactivation, abandonment, and land restoration.

First Nations in Saskatchewan fundamentally reject the status quo approach to pipeline deactivation and abandonment. Our perspectives and responsibilities to the land are rooted in generations of stewardship, not short-term economic calculations. The current regulatory framework - guided by financial interests and narrow feasibility standards - does not reflect our values or priorities. The CER must modernize its regulations to ensure full and equal participation of First Nations in end-of-lifecycle planning, oversight, and implementation.

First Nations are less concerned with corporate bottom lines—we are concerned with the land. Our priority is the full restoration of disturbed lands to as close to their original, natural state as possible. While industry and the CER may claim that full reclamation is "unrealistic," First Nations have consistently called for transparency, accountability, and ambitious restoration goals. If full restoration is not achieved, the CER must clearly explain why and demonstrate how First Nations' input was considered - or why it was not.

Our Nations carry the lived experience of broken promises. Past dealings with the CER and pipeline operators over deactivation and abandonment have bred deep distrust for many First Nations. This lack of trust can be a direct barrier to effective collaboration and regulatory legitimacy. The CER must do far more than simply share decommissioning plans with First Nations - it must actively work with us to co-develop them. Our knowledge, values, and spiritual connection to the land must not only be heard but incorporated into all decisions related to deactivation and remediation.

This means:

- Mandating First Nations participation in all deactivation and abandonment planning, including baseline assessments and post-project monitoring.
- Engaging and compensating Knowledge Keepers to guide decommissioning activities, verify restoration outcomes, and provide culturally relevant insight that cannot be captured by technical reports alone.
- Ensuring full access to planning documents and regulatory processes throughout the project lifecycle—not just at the end, when impacts have already occurred.

The CER must also recognize and account for First Nations' legal and constitutional rights, including the ability to purchase and designate Treaty Land Entitlement (TLE) lands. These lands must be factored into deactivation planning. In cases where abandoned pipeline routes intersect with or are adjacent to TLE lands, First Nations must be given full say in how those corridors are remediated and whether those lands may be reclaimed for future use.

Furthermore, the language in CER regulations must change. Clauses that permit companies to restore lands “*if feasible*” create loopholes that allow environmental responsibility to be sidestepped in favour of profit. This is unacceptable. The objective must always be to return the land to a natural, functioning state. If companies are unable or unwilling to meet that standard, they should not be permitted to operate on Treaty lands.

While the CER may point to modest improvements in engagement, First Nations remain deeply unsatisfied with the pace and substance of change. Relationships cannot be built through checklists and one-time consultations - they require transparency, shared decision-making, and respect for First Nations laws and governance systems.

We are not stakeholders. We are rights holders. And the time for half-measures is over. The CER must fundamentally change the way it approaches pipeline abandonment and decommissioning - starting by embedding First Nations in the regulatory process, at every level and every stage. Anything less is a continuation of colonial practices and a failure to uphold the Crown's Treaty obligations.

We are ready to lead, to monitor, and to restore. The CER must now show that it is ready to share power, uphold rights, and properly resource our First Nations to deliver real results on the ground.

Topic Paper C: OPR - Emergency Management

First Nations in Saskatchewan have borne the brunt of pipeline emergencies—our most frequent and direct experience with pipeline infrastructure has been through hydrocarbon spills that have

caused significant, long-term harm to our lands, waters, and Treaty rights. One of the most egregious examples remains the 2016 Husky Oil Spill, which caused widespread environmental degradation along the North Saskatchewan River and inflicted serious cultural, ecological, and spiritual damage to many downstream First Nations.

In that incident, many First Nations communities were not even notified of the spill in time—some only discovered it as the oil washed up on their reserve lands. That failure in communication was unacceptable. It exposed a systemic disregard for the rights and safety of First Nations people and demonstrated a total absence of respect for our jurisdiction, our knowledge, and our deep relationship with the land and water.

In the aftermath, it became clear that heritage information had not been included in emergency planning. As a result, culturally significant sites were assessed *after* the damage was done when it was too late to prevent their desecration. Those involved in the assessments acknowledged that, had First Nations been properly engaged beforehand and had our cultural knowledge been integrated from the outset, many of these impacts could have been avoided.

We must be clear: First Nations knowledge is not optional, it is essential. That knowledge must be protected as intellectual property of our Nations and held in confidence. Access to culturally sensitive data must be limited to what is necessary, and only with the full consent of the affected First Nation. Any emergency response effort that requires entrance into protected areas must engage directly with the First Nations who hold responsibility for those lands, and with the knowledge keepers who carry the wisdom to guide appropriate response.

As one Elder rightly said: *"The medicines are not as powerful once the land is damaged."* Damage to sacred land is not merely environmental degradation, it is a direct threat to our health, our spirituality, and our way of life. Cultural sites retain their significance even in moments of crisis. That truth must be embedded into Canada's emergency management framework.

We are demanding a fundamental shift in the way emergency preparedness and response is regulated and implemented. The CER and pipeline companies must modernize regulations to ensure First Nations are:

- Paid and active participation in emergency planning, training, response (i.e.: incident command), and post-incident review;
- Resourced to conduct independent, community-led Traditional Resource and Cultural Impact Assessments in areas affected by pipeline infrastructure—before incidents occur;
- Involved in the development of community-specific Emergency Response Plans, grounded in First Nations knowledge and Inherent & Treaty Rights responsibilities;
- Fully engaged in mapping traditional, sacred, and cultural land-use both on- and off-reserve, with these maps recognized as intellectual property belonging to the community, shared only with consent;
- Provided with ongoing and meaningful communication channels that account for First Nations' realities, such as staff turnover and differing access to digital infrastructure;

- Empowered with funding and capacity to station trained representatives in Emergency Operations and Incident Command Centres during emergencies; and
- Supported in the development of community-specific emergency preparedness education and training programs to build long-term resilience.

It is no longer acceptable for pipeline emergency response to focus narrowly on pipeline rights-of-way and buffer zones. Our relationship with the land extends far beyond arbitrary boundaries, and so too must your emergency planning.

The CER must expand its definition of what is to be protected during an emergency. Life, property, and the environment are important, but for First Nations, so too are the spiritual, cultural, and inherent responsibilities we hold to the land and waters. These must be acknowledged, respected, and integrated into regulatory requirements and corporate protocols.

Finally, regulated companies must be legally required to allocate emergency response funds for First Nations, including for third-party assessments that operate independently of company influence.

The failure to involve First Nations in meaningful ways has led to irreparable harm in the past. That cannot happen again. The time to act is now. Modernizing emergency response regulation to respect and include First Nations rights, knowledge, and jurisdiction is not a request, it is an obligation rooted in Treaty, law, and basic human decency.

We stand ready to lead in this work, but we will accept nothing less than full and equal participation.

Topic Paper D: OPR - Environmental Protection

The Canada Energy Regulator must modernize its framework to fully recognize and incorporate First Nations' Inherent and Treaty rights, generational knowledge, and leadership in environmental protection, compliance enforcement, and decision-making throughout the lifecycle of pipeline projects. The current regulatory system remains outdated, narrowly focused, and fundamentally misaligned with the holistic worldview of First Nations Peoples.

It is no longer acceptable for the CER and other federal bodies to limit their assessments to only the direct footprint of a project. Pipelines have far-reaching environmental, cultural, and socio-economic impacts - upstream and downstream, direct and indirect, that must be considered through a cumulative lens. First Nations have said this repeatedly: our relationship with the land, waters, animals, and plants is not segmented or compartmentalized. Any regulation that fails to understand this is incomplete, and ultimately harmful.

Our Elders are the stewards of First Nations' laws and knowledge. Their voices carry generations of understanding that have protected the land since time immemorial. When government agencies and corporations exclude their input, or merely consult them as a formality, our people lose faith in the process. When their insights are ignored or disregarded, it reinforces the perception that First Nations knowledge holds no real weight, and that the CER and industry are interested only in profit, not the long-term wellbeing of the land.

Our communities are not obligated to accept regulatory systems that deny our rightful role as decision-makers. The status quo where companies dictate terms and regulators rubber-stamp their plans cannot continue. We have been asked to share our knowledge time and time again, yet we see no tangible outcomes. There is a deep and growing sense among our Elders that nothing changes despite the many times they are asked to share their knowledge – even as far as their attendance at CER hearings.

This is not reconciliation. This is not respect. This is a systemic failure to recognize First Nations as full partners in the protection of these lands and waters.

It is time for the CER and the Government of Canada to embed First Nations' leadership, knowledge, and values at the core of all regulatory processes - not as observers, but as decision-makers. We are calling for regulatory modernization that mandates:

- Joint decision-making authority with First Nations on pipeline assessments and environmental compliance;
- Enhanced incorporation of First Nations knowledge in environmental oversight grounded in project-specific opportunities to conduct Traditional Land Use Studies, community meetings and land surveillance/site tours during each season (spring, summer, fall, winter) in order to catalogue the full extent of potential impacts to traditional resources of importance.
- Legally binding incorporation of First Nations' knowledge into all phases of regulatory review and enforcement;
- Cumulative impact assessments that account for past, present, and future harms across entire ecosystems and territories; and
- Respectful and resourced inclusion of Elders and Knowledge Keepers in all regulatory processes.

Canada cannot meet its climate goals, respect Treaty obligations, or uphold First Nations Inherent rights without fundamental change. We are no longer requesting inclusion—we are asserting it as First Nations in Saskatchewan.

Topic Paper I: OPR – Rights and Interests of Indigenous Peoples, Socio-Economic Effects and Engagement

Modernizing Pipeline Regulation: Respecting Rights, Building Partnership, and Advancing Reconciliation

As a First Nations organization mandated by the Chiefs of Saskatchewan, we call upon the Canada Energy Regulator (CER), the Government of Canada, and pipeline operators to modernize their regulatory frameworks to reflect the rights, interests, and priorities of First Nations Peoples across all phases of a pipeline's lifecycle—from planning and construction to operation, deactivation, and reclamation. Furthermore, it is critical to work directly with First Nations-founded organizations that have that ability to convene collectives of First Nations Rights Holders in matters of major projects.

Capacity and Funding must extend beyond the IAMCs for the Line 3 and TMX projects. Adequately resourcing regional organizations like the Centre provides an opportunity to expand access to education and capacity which will result in safer, and more sustainable projects with more equitably distributed financial benefits.

Respect for Rights Begins with Clarity and Accessibility.

The CER must prioritize clear, culturally respectful, and accessible communication with First Nations. At the community level, there remains a fundamental lack of understanding of the CER's role and the tools it uses, such as the Onshore Pipeline Regulations (OPR), to hold companies accountable. For true engagement to occur, First Nations must have the baseline knowledge necessary to provide informed, meaningful input.

This starts with the CER actively considering the knowledge base and communication needs of its audience, using language and materials that are plain, inclusive, and relevant. Future regulatory reviews, including the OPR review, must be designed to enable genuine participation from First Nations, not just technically proficient stakeholders. Our youth must also be included and supported with the capacity and resources to participate confidently.

A Legacy of Exclusion Must Be Replaced by Partnership

There is a widespread sense that the CER is now trying to make up for years of putting the cart before the horse - engaging First Nations only after key decisions have already been made. That must change. First Nations must be involved early and continuously, with their voices shaping decisions, not merely commenting on outcomes.

Public Access and Transparency Must Be Standard Practice

Engagement opportunities and consultations must be transparently posted on the CER website and effectively communicated to the appropriate First Nation departments responsible for land, resources, and consultation. The CER's centralized information repository must be redesigned to be user-friendly and accessible to those with limited time and capacity so that our communities can protect and advance their rights without barriers.

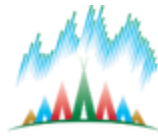
This includes automatic notifications of significant projects and full alignment with the Impact Assessment Agency of Canada's (IAAC) project database. The CER should also work with the Saskatchewan First Nations Natural Resource Centre of Excellence to develop accurate and accessible maps showing reserve lands and Treaty Land Entitlement (TLE) lands in relation to CER-regulated pipelines.

Recognition of First Nations Expertise and Authority on Cultural Heritage

First Nations must be recognized as the rightful authorities in determining areas of cultural significance. All artifacts matter. There is no such thing as a "negligible" find. Our Elders and knowledge keepers must be the primary decision-makers in identifying and protecting heritage resources—not archaeologists or proponents acting independently.

Culturally appropriate heritage protection mechanisms should include:

- First Nations-developed stop-work triggers based on traditional knowledge.



- Mandatory presence or availability of Elders during construction, inspection, and maintenance activities.
- Empowering First Nations Monitors with the authority to initiate stop-work orders, not merely request them.
- Inclusion of all community demographics in identifying culturally important sites and the development of associated maps.
- Full transparency in company cultural resource management systems, including opportunities for First Nations-led audits and oversight.

Furthermore, each community must retain the right to declare “no-go zones” and enforce specific cultural protocols. The fact that multiple First Nations may identify the same site does not diminish the duty of companies to meaningfully engage each one. Consent and cooperation must be earned individually, not assumed collectively.

Ongoing Oversight and Accountability Must Be First Nations-Informed

There is a critical need for stronger oversight mechanisms that include First Nations perspectives and leadership. This includes:

- Independent investigation panels for cultural disturbances, co-led by a company representative, CER officer, and First Nation knowledge keeper.
- CER-mandated cross-cultural education not only for pipeline company staff, but also for contractors and archaeologists.
- Requiring pipeline companies to resource at least one liaison from each community impacted by its infrastructure to act as a permanent bridge for engagement and knowledge-sharing.
- Regular, CER-supported “report cards” co-designed by First Nations to assess company performance on First Nations engagement and protection of rights.
- Integration of Treaty Rights education for CER Inspection Officers, delivered by First Nations knowledge keepers, to ensure regulatory enforcement reflects the Crown’s Treaty responsibilities.

Capacity-Building Through Revenue Sharing of Penalties

A portion of administrative monetary penalties (AMPs) imposed on non-compliant companies should be directed to First Nations whose territories are potentially affected by matters of non-compliance, to strengthen our capacity for independent monitoring and participation. This is both a matter of equity and a practical step toward reconciliation.

A Path Forward

We remain committed to working in partnership with the CER, the Government of Canada, and industry—but that partnership must be rooted in respect, transparency, and shared responsibility. Modernizing regulations is not just a matter of policy reform, it is a necessary step toward

reconciliation, accountability, and long-overdue recognition of First Nations Peoples as leaders in the stewardship of their lands.

We urge the CER and its partners to act decisively and collaboratively to ensure that First Nations Inherent and Treaty Rights are respected, protected, and implemented at every stage of a pipeline's lifecycle.

Topic Paper K: Filing Manuals – Environmental and Socio-Economic Assessment / Topic Paper L: Filing Manuals – Lands / Topic Paper M: Filing Manuals -Rights and Interests of Indigenous Peoples

The Canada Energy Regulator (CER) and all pipeline proponents must modernize their expectations and practices when engaging First Nations in the development and oversight of pipeline projects. These expectations must reflect the legal, constitutional, and Inherent and Treaty Rights of First Nations, the reality of our ongoing stewardship of these lands, and the need to build relationships rooted in trust, respect, and shared responsibility.

Each First Nation is unique, with its own laws, traditions, governance systems, and understanding of the land. Pipeline proponents and the CER must approach each Nation with that understanding, one-size-fits-all approaches to engagement are outdated and unacceptable.

First Nations want to trust the CER and regulated companies, but they need to feel listened to and that their trust is reciprocated. This means understanding that at the root of First Nations' belief systems is the concept that "nobody can own the land", something which is difficult for those who espouse western capitalist belief systems. First Nations understand themselves to be land keepers and stewards, and non-First Nations people have difficulty comprehending the enormity of that responsibility. When Mother Earth is desecrated with industrial development, through ceremony we need to ask for forgiveness and give offerings for this trespass. This should be a first step when a project is proposed.

Spiritual and Cultural Foundations for Engagement

Engagement must go beyond regulatory checkboxes and delve into meaningful, relationship-based approaches. We call for the integration of ceremony, including sweat lodges, pipe ceremonies, and other traditional practices, as a required element of early and meaningful engagement, from the CEO to field-level workers. This fosters a deeper spiritual understanding of the land and affirms the interconnection between people, plants, animals, water, and the spirit of the land.

By deliberately seeking out First Nations' understanding, bilateral conversations would result in greater equality, increased ability to reach common ground and the growth of trust and respect between parties. The CER and regulated companies need to understand that there is a sacred covenant between First Nations, the Creator and Mother Earth – this needs to be honoured prior to entering into any paper contract with a company.

Ceremony must not be symbolic. It should be guided by First Nations knowledge keepers, who can ensure that spiritual protocols are properly followed. Ceremony and spiritual connections form a

foundation for dealing with problems that may arise during a project's lifecycle and should be treated with the same level of seriousness and formality as any written contract.

Assessment of Impacts and Engagement Structures

The CER's Filing Manual and project review expectations must be modernized to reflect these realities. Specific improvements must include:

- Clear guidance on assessing the environmental, cultural, and socio-economic effects of projects on First Nations' rights and interests.
- Requirements for early, in-person engagement with First Nations before applications are submitted.
- Expectations that companies allow First Nations to define whether their rights are potentially impacted.
- Modernized methods for describing land users and rights-holders, including First Nations' own systems of land tenure and occupancy.
- Clear expectations for the inclusion of First Nations monitors and oversight throughout project construction and operation.

These improvements must also be reflected in the structure and language of CER guidance documents, including the Environmental and Socio-Economic Assessment (ESA) sections. These documents must be accessible, culturally appropriate, and reflect First Nations worldviews, rather than being rooted solely in Western scientific paradigms.

Appropriate engagement starts with understanding that each First Nation is distinct, and as such the approach to building trust and bilateral relationship development will differ for each community. There needs to be a demonstrated respect for cultural and knowledge differences between and among First Nations.

While community-specific engagement plans need to be developed in collaboration with potentially impacted First Nations, there should be a standardized approach to company's *initiation of engagement* during new builds before the development of community-specific engagement planning. This would support consistent application of best practices, support a "leveling of the playing field" for those communities which lack resources and capacity and remove the Crown's unilateral determination of potential impacts to Rights.

Companies should present their project proposals to First Nations before submitting applications to the CER.

Effective Communication Strategies prioritize in-person meetings and discussions. Multiple communication methods should be employed to ensure First Nations have the ability to self-determine their level of participation in projects that have the potential to impact their rights and interests. Awareness programming within companies seeking to operate in Treaty lands should be led by First Nations with a level of accountability to those communities.

Setting expectations that project proponents work with leadership-mandated regional organizations like the Saskatchewan First Nations Natural Resource Centre of Excellence would ensure that all potentially impacted communities are appropriately scoped into early engagement. This would ensure that all potentially impacted communities have opportunities to understand potential impacts to their Rights and lead the development of appropriate mitigation and accommodation measures when effects to their Rights do occur.

Recognition of First Nations as Decision-Makers

The CER must treat potentially impacted First Nations as decision-makers, not simply stakeholders. This includes:

- Ensuring that First Nations have access to their own experts and knowledge systems, with adequate resourcing from proponents to conduct their own assessments of projects, including Traditional Ecological Knowledge (TEK), socio-economic studies, First Nations-led impact assessments, and studies focused on specific impacts to their territory, rights, or community well-being.
- Recognizing that TEK and other First Nations-led studies should guide proponent's project planning from the outset - not be an afterthought.
- Supporting First Nations-led environmental monitoring and construction oversight throughout a project's lifecycle.
- Providing space for engagement between CER decision-makers and First Nations outside of formal hearings to ensure informed, culturally grounded understanding between parties.
- Mandating Treaty education for CER Commissioners prior to the review of any project on Treaty territories.

Economic Reconciliation Through Opportunity

Economic inclusion must be a central feature of early proponent engagement. The CER must require that economic opportunities for First Nations are not only offered - but prioritized during the construction of a project. This includes:

- First right of refusal for procurement, contracting, and employment.
- Long-term economic partnerships that last throughout a pipeline's lifecycle.

The CER must take a leadership position on ensuring equity in economic benefits, including the potential establishment of a Treaty Taskforce to oversee consistent and fair distribution of benefits associated with linear infrastructure across impacted First Nations' lands.

Backsliding on Diversity Equity and Inclusion initiatives in other jurisdictions such as the United States cannot be allowed to influence the standards applied in Canada.

Oversight, Transparency, and a Whole-of-Government Approach

If a proponent fails to identify all affected First Nations, the CER must ensure additional outreach is conducted. First Nations should be able to determine whether or not their rights and interests are potentially impacted – this should not be an exercise completely determined by the Crown.

Engagement logs submitted by proponents often fail to reflect the full scope and depth of conversations held with communities. A third-party liaison, appointed when requested by a First Nation, should help bridge gaps between companies and communities, ensuring transparency and accountability.

Moreover, federal coordination must be visible and experienced by First Nations, not hidden behind bureaucratic silos. A true “whole-of-government” approach to major project reviews must be built on trust, visibility, and joint problem-solving. The CER can lead a more effective delivery of whole of government approaches to project evaluations by making explicit the need for collaboration with First Nations participants as opposed to decision-making happening “behind the curtain”.

Treaties as the Foundation

Treaties are not historical documents—they are living, binding agreements. They must be recognized and upheld as the foundation for all engagements with First Nations in Saskatchewan. The CER must ensure that Treaty obligations guide project approvals and oversight. This includes supporting mechanisms such as a *Treaty Taskforce* to monitor compliance, protect equitable treatment of Nations, and prevent the divide-and-conquer tactics that many communities continue to experience.

The CER must recognize its obligation not only to regulate industry, but to uphold the Crown’s responsibilities to First Nations under Treaty and Section 35 of the Constitution. This means ensuring that the Rights and responsibilities laid out in Treaty are not overwritten by modern legislation or reduced to procedural formalities.

Appendix A: Onshore Pipeline Regulations Scenario Facilitation Guide

1. Addressing First Nations' Rights and Interests Through Engagement

Topic Papers: (I) OPR Rights and Interests of Indigenous Peoples, Socio Economic Effects and Engagement, (K) Filings Manuals Environmental and Socio-Economic Assessment, (L) Filing Manuals – Lands, (M) Filing Manuals Rights and Interests of Indigenous Peoples

Preamble:

The CER plays an important role in setting clear expectations and high standards for proponents when engaging with First Nations. The CER has heard recommendations to enhance its guidance for meaningful company engagement throughout the lifecycle of the project, including ensuring that communities have time and resources to participate, and that mechanisms exist for the CER to verify company's claims about the adequacy of their engagement programs.

In response, the CER is considering formalizing additional Indigenous engagement requirements in the regulation. The objective of new requirements will be to:

- consolidating and expanding a new “Rights and Interests of Indigenous Peoples” section in the Filing Manuals
- drive consistency and clarify the requirements within the OPR for communications and engagement with potentially affected First Nations across the pipeline’s lifecycle.
- help ensure appropriate information about a company’s activities is provided to impacted First Nations.
- help ensure that companies are engaging potentially impacted First Nations throughout the lifecycle of a pipeline project to identify where rights and interests may be impacted, and how they can be addressed.
- allow for flexibility so that companies can be responsive to, and respectful of, the unique needs, interests, and engagement preferences of First Nations.

Scenario:

Prior to submitting a project application to the CER, a major pipeline operator initiated early engagement with potentially impacted First Nations in Saskatchewan for the construction of a major transmission pipeline that will cross the entirety of the province through two Treaty areas, and the traditional territories of multiple First Nations.

During the early engagement period, the company was able to satisfactorily address many of the concerns raised by First Nations. However, despite impacts to their traditional territories, there remained a number of First Nations communities, particularly those located further away from the pipeline, who did not receive the same level of early engagement. As a result, for these First Nations there remained many outstanding issues related to potential impacts to their Inherent and Treaty Rights that were not resolved during early engagement.

In its decision to approve the new pipeline, the CER required that the company continue its program of engagement with all impacted First Nations as a mandatory approval condition.

For those First Nations communities with reserve lands in close proximity to the pipeline right of way, the level of engagement during the construction and initial operational phases remained high. In some cases, these First Nations were able to negotiate significant economic benefits associated with the pipeline.

However, for those First Nations located further away from the pipeline, the company has relied heavily on mail and email notifications for its engagement instead of face-to-face meetings and cited these efforts as being compliant with the CER's condition for ongoing engagement with impacted First Nations.

In response to concerns from impacted First Nations, the CER committed to exploring mechanisms, such as revisions to the filing manual that would clarify guidance for assessing effects on the Rights of Indigenous peoples during project planning, and mandatory Indigenous engagement programs during the construction and operational phases of a project, to ensure consistent and meaningful practices across the industry.

Questions:

- What are the opportunities and challenges for First Nations within the CER's existing guidance?
- What is your feedback on the CER's objectives for improvement? Are these the right objectives, or are there others the CER should consider?
- Do you have any feedback on how the CER might verify a company's compliance with these potential new engagement requirements?
- How can Indigenous-led assessments and studies be integrated with the applicant's assessment and still support the objective of "one project, one assessment"?
- Beyond consistency in engagement, what other interactions between First Nations and companies should the CER develop mandatory requirements for?

Preamble on Value Components: A project's potential impacts on the environment and the rights and interests of First Nations is often determined through the use of Value Components which

refer to elements of the human and natural environment that are important to people who may be affected by a project. These can include plants and animals, mental health, navigation, jobs , etc.

The CER’s Filing Manuals rely on a valued component (VC)-based approach to assessing the effects of a proposed pipeline project. The CER wants to clarify the selection of VCs, to help ensure that Indigenous knowledge and engagement informs the selection of VCs and to help ensure that VCs can cover both broad concerns (such as overall community well-being) and narrow concerns (such as effects on a single species).

- During a company’s pre-construction engagement with First Nations, how should companies demonstrate in their reporting to the CER that Indigenous knowledge and engagement informed the selection of VCs?

Preamble on Rights and Interests: The CER Act requires the Commission to consider the health, social, and economic effects of projects. This is accomplished by analyzing, monitoring, and managing the intended and unintended social consequences, both positive and negative, of projects.

The CER proposes to assess socio-economic VCs on health, social, and economic effects related to non-Indigenous peoples and communities separately from the rights and interests of Indigenous Peoples.

- Would having separate sections in the Filing Manual; one describing socio-economic VCs and another describing VCs focused on the rights and interests of First Nations, lead to better outcomes for First Nations’ in assessment processes?
 - What are some examples of VCs associated with the rights and interests of First Nations?
 - What is the best way to document, monitor, manage, and report on protection and enhancement measures for VCs focused on the rights and interests of Indigenous Peoples?

2. Heritage and Cultural Resource Protection

Topic Papers: (D) Environmental Protection, (I) OPR Rights and Interests of Indigenous Peoples, Socio Economic Effects and Engagement, (M) Filing Manuals Rights and Interests of Indigenous Peoples

Preamble:

Heritage resources reflect First Nations land use—histories that colonialism has tried to erase—and mitigating impacts to them require ceremonies rooted in spiritual traditions before, during, and after construction.

First Nations have serious concerns about meaningful participation in heritage planning and ensuring appropriate access for ceremonies and other cultural practices to ensure site protection. All historic sites hold sacred significance for many Nations but are often not treated with the same respect as Western religious sites.

Currently, the CER expects companies to adhere to provincial requirements. However, First Nations have indicated that this is not adequate and that companies must strive for best practices in heritage protection that exceed provincial requirements.

The CER has proposed changes to the OPR and Filings Manual that require companies notify all affected First Nations of heritage resource discoveries, involving Elders and Knowledge Keepers, granting Indigenous monitors authority, and providing appropriate funding to First Nations to engage their experts.

In response to this feedback, the CER is considering clarifying its expectations of applicants regarding heritage and cultural resources, which could include sites of First Nation significance during construction and operation to support a robust assessment of a project's potential effects on the rights and interests of First Nations.

Scenario:

Many years ago, a pipeline was constructed through an area of deep cultural significance to multiple nearby First Nations. In recognition of the significance of the area, the CER invited First Nations community representatives, including knowledge keepers, to join CER inspection officers and Indigenous Monitors as observers of a planned maintenance activity on the pipeline.

During the inspection, one of the invited Elders noticed fragments of an artifact in the exposed pipeline right of way. The community representatives notified the company and a temporary pause in the work was enacted. In keeping with company procedures, the onsite archeologist was called to conduct analysis on the fragments and made a unilateral determination that they were inconsequential, which led to a resumption of maintenance activities without the invited knowledge keepers being afforded an opportunity to handle the artifact. Furthermore, there was no opportunity for further inspection of the exposed right of way and adjacent dirt piles for additional fragments. This resulted in the loss of a culturally valuable and historically item and potentially others at the dig site.

Following the inspection, participating First Nations community members raised several issues with the CER, including company procedures and the insufficient authority of the attending Indigenous monitors, that limited their access to artifacts and ability to protect areas with high value for harvesting foods and medicines. Importantly, the representatives called out the cultural insensitivity and the dismissive treatment of the Elder's knowledge as a significant concern. It was recommended that Indigenous monitors should be empowered to participate in artifact

management and emphasized the importance of integrating of First Nations' Knowledge Keepers into heritage and cultural resource protection planning.

Questions:

- What should be the approach to determining the significance of archaeological or cultural land use discoveries?
- How can companies involve Elders and knowledge keepers in the development of heritage resources contingency plans?
- What should robust pre-construction monitoring and site tours of the right of way for heritage resources look like?
- What training requirements should companies and their contractors implement to enhance their ability to identify and protect heritage resources?
- How should First Nations' use and occupancy of traditional lands be acknowledged and protected during the operations of a pipeline?
- What does First Nations' involvement in monitoring over the lifecycle of the pipeline look like to you?

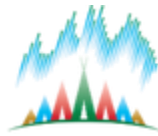
3. Emergency Management

Topic Papers: (H) Reporting Harm, (M) Filing Manuals - Rights and Interests of Indigenous Peoples, (C) Emergency Management

Preamble:

The CER is proposing to amend the OPR and Filing Manuals to improve guidance as to how companies involve First Nations and their knowledge in emergency response planning. This includes clarity on how companies should communicate with First Nations' leadership and first responders, requirements that companies integrate traditional knowledge into emergency response planning in order to protect sites of historic and cultural significance, and to set out requirements that First Nations be involved in all aspects of the delivery of these programs.

The CER is also seeking input on proposed improvements to reporting requirements relating to the definition of an incident, incident near-misses, and industry-wide learning opportunities from reported incidents. The Reporting Harm Topic Paper also seeks to clarify the CER's expectations for matters relating to potential harm to the environment, cyber events and impacts to historic or cultural sites of significance to First Nations.



Scenario:

A pipeline operated by a company has a significant crude oil spill into a major waterway. The site of the spill is also in an area of high cultural value, including harvesting areas and a sacred site shared by multiple First Nations. Furthermore, not only does the spill present a major threat to the ecosystem and cultural integrity of the immediate area, as a result of its entry into the waterway, multiple downstream communities and harvesting areas are potentially impacted as well. The company notifies the closest community about the spill and agrees to let them deploy monitors to oversee cleanup efforts.

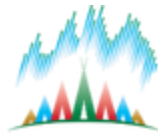
Other First Nations, who hold the immediate spill site as culturally significant and those downstream are angered that they were not directly notified of the spill by the company and as a result, specific sites of cultural significance only known to them, were impacted by the incident that could have otherwise been avoided. They send letters to the pipeline regulator demanding explanations and policy changes to ensure:

1. All impacted First Nations, including those downstream from a spill on a waterway, are notified in future incidents, not only those Nations in closest proximity to the incident.
2. That First Nations community members (and First Responders) are invited to participate in emergency responses and preparatory exercises.
3. And that companies' Emergency Management programs in place take into account sites of cultural and historical significance to multiple First Nations whose territories are impacted by a pipeline project.

Questions:

- What approach should companies use to identify which First Nations to notify about potential impacts to the environment, and cultural heritage resources during an emergency?
- How should First Nations be involved in spill response efforts?
- What opportunities and challenges do First Nations communities face in participating in the company's emergency management program?
- What resources or capacity support do First Nations need to effectively engage in emergency response activities?

Preamble on Reporting Harm: While the scenario just discussed outlines a major hydrocarbon spill, the CER is also considering requirements that ensure companies are sensitive to, aware of, and protective of historic and cultural sites of significance to First Nations in the case of smaller releases. This would take the form of adding a new reporting requirement in relation to damage to a site of historic or cultural significance, subject to confidentiality agreements signed by companies and Indigenous communities and any applicable provincial or territorial requirements.



- Do you have any advice on best practices in historic or cultural site hazard identification that would clarify definitions, and this proposed reporting requirement?

Preamble on Volume Thresholds: While the OPR requires that spills of significance must be reported to the regulator, the CER is considering lowering the volume threshold for companies' mandatory notification and changing the reporting threshold for what qualifies as an incident.

- What criteria are of greatest importance when assessing the potential risk associated with a release of a hydrocarbon substance? (e.g., product, location including proximity to a site of historic or cultural significance, volume, rate of release).

4. Pipeline Deactivation and Restoration

Topic Papers: (B) Deactivation and End of Lifecycle, (D) Environmental Protection, (I) OPR Rights and Interests of Indigenous Peoples, Socio Economic Effects and Engagement

Preamble:

While the OPR currently requires companies to develop monitoring programs to protect the pipeline, the public and the environment, it does not explicitly mention monitoring of decommissioned and abandoned pipelines. The CER is considering how surveillance and monitoring could be applied to deactivated and abandoned pipelines, noting the potential for residual impacts, and how First Nations should be involved in the planning and implementation of these programs.

Key to deactivation and abandonment is environmental restoration. Restoration takes place once the pipeline is no longer operating, upon abandonment. Currently, as part of the abandonment activities, the right-of-way must be restored to a condition similar to the surrounding environment and consistent with current land use.

However, the CER has heard that restoring land to current land use may not adequately address the cumulative effects that multiple projects have on the cultural and historical use of the land.

The CER is proposing requirements that companies restore the right of way to a condition similar to the surrounding environment and consistent with pre-disturbance land use, where feasible and that these goals be established in consultation with First Nations.

Scenario:

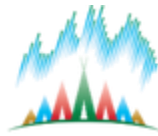
As part of a broader project to twin an existing pipeline in order to double its transportation capacity, a company has proposed to deactivate large portions of an older pipeline in the same right of way. The sections to be deactivated traverse through sensitive ecological areas which

include areas of current land use for harvesting and sites of cultural significance on both private and public lands. Importantly, these lands are significant to multiple First Nations.

The CER has indicated to the company that before they submit an application to deactivate, they must conduct robust engagement with the impacted First Nations and ensure their knowledge informs the deactivation process and land restoration activities.

Questions:

- As part of the pipeline decommissioning/abandonment process – how should this company take into account the rights and interests of the multiple impacted First Nations?
- How should these First Nations be involved in establishing restoration goals on the right of way?
- How should these First Nations be involved in the monitoring and surveillance of the sections of decommissioned pipeline?
- Is the proposed requirement that the goal of restoration be to restore the land to a condition similar to the surrounding environment and consistent with the pre-disturbance land use and appropriate goals for restoration? If not, what should be the goals for restoration?



Appendix B: FSIN Survey Responses and Themes

Survey #1

1. Familiarity with CER:

- Most respondents described their Nation as only *somewhat familiar* or *not at all familiar* with the Canada Energy Regulator and its role in pipeline regulation.

2. Proximity of Pipelines:

- A significant number of communities indicated pipelines are in *close proximity* to their lands.
- Fewer reported pipelines running *directly through* their lands.
- A notable portion were *not sure* of pipeline locations relative to their territories.

3. Previous Engagement with CER:

- While some Nations have participated in *formal CER-led consultations*, more often engagement was *indirect or minimal*.
- Several reported *no engagement at all* with the CER.

4. Level of Concern about Pipeline Impacts:

- The overwhelming majority of Nations are *very concerned* about the environmental, cultural, social, and economic impacts of pipeline projects.

5. Pressing Pipeline-Related Issues (top selected concerns):

- Risk of spills, leaks, and water contamination
- Disruption to traditional land use and culturally significant sites
- Lack of fair compensation or revenue sharing
- Adverse health and well-being effects on communities
- Inadequate consultation and consent processes
- Poor or absent remediation after decommissioning

6. Concerns with Current Regulatory Approach:

- Failure to uphold inherent and Treaty rights
- Insufficient environmental protection and enforcement
- Lack of transparency and accountability
- Limited First Nations involvement in decision-making, monitoring, and oversight

- Insufficient delivery of economic benefits to First Nations

7. Barriers to Participation in Regulatory Processes:

- Lack of capacity (staffing, funding, technical expertise)
- Short timelines that restrict meaningful participation
- Complex legal and technical language
- Past experiences of feedback being ignored
- Limited access to CER decision-makers

8. Measures to Improve Engagement and Participation:

- Increased and sustained funding for engagement and technical support
- Clearer, more accessible information about regulatory changes
- More opportunities for direct, meaningful dialogue
- Dedicated resources for independent technical and legal reviews
- Structured, ongoing roles for First Nations in regulatory decision-making

9. Additional Comments (Recurring Themes):

- Strong calls for the CER to respect Treaty rights and Indigenous laws.
- Emphasis on the need for First Nations-led oversight of pipeline projects.
- Requests for long-term engagement mechanisms rather than one-off consultations.
- Desire for economic participation in projects on or near traditional territories.

Survey #2

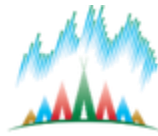
1. Awareness of the CER and OPR (Onshore Pipeline Regulations):

- The majority of respondents had *limited or no familiarity* with the CER or the OPR prior to the engagement.
- Participants stressed the need for plain-language communication to ensure communities can understand regulatory tools and their implications.

2. Community Experiences with CER Engagement:

- Experiences with CER were often described as *minimal, one-sided, or infrequent*.
- Many noted that CER-led processes lacked transparency, follow-up, or impact.
- Several respondents commented that First Nations are often informed rather than engaged or consulted.

3. Views on Current Pipeline Regulation:



- Trust is low. Many expressed that regulations prioritize industry over Indigenous rights and environmental protection.
- There was a strong sense that Treaty rights are not respected and that regulatory structures fail to account for Indigenous governance systems.
- Concerns about inadequate monitoring and enforcement were widely reported.

4. Key Pipeline-Related Concerns:

- Environmental risks such as spills, contamination of water sources, and cumulative ecological impacts.
- Loss of land access and damage to culturally significant sites.
- Lack of economic benefit sharing despite the significant impact of projects on Indigenous territories.
- Lack of Indigenous involvement in project planning, assessment, monitoring, and decision-making.

5. Barriers to Participation:

- Insufficient funding and capacity to participate meaningfully.
- Short timelines for response during regulatory consultations.
- Lack of technical expertise and support to interpret complex regulatory documents.
- Lack of recognition of Indigenous knowledge and traditional governance in the process.

6. Recommendations from Respondents:

- Establish clear roles for First Nations in all stages of the pipeline lifecycle—from planning and assessments to decommissioning and monitoring.
- Ensure revenue sharing models that reflect the long-term impacts to Indigenous lands and communities.
- Provide dedicated funding and capacity support for technical and legal reviews by First Nations.
- Revise CER and OPR language and structure to be more accessible to communities.
- Incorporate Elders, Youth, and Knowledge Keepers directly into regulatory engagement processes.
- Make Treaty Rights a cornerstone of regulatory decision-making.

7. Tone and Themes of Comments:

- Respondents were united in their desire for respect, recognition, and partnership.

- There is deep frustration with the status quo, but also a clear willingness to work with regulators—if done equitably and in good faith.

Survey #3

1. Role of First Nations in Impact Assessment

- Strong support for First Nations to either:
 - Lead their own independent assessments, or
 - Collaborate in joint assessments with project proponents.
- This work must be funded by industry and supported by long-term capacity building.

2. Required Engagement Practices for Pipeline Companies

Respondents emphasized companies must:

- Initiate early engagement—prior to any applications being filed.
- Provide funding, training and resources for meaningful First Nations participation.
- Hold regular updates and meetings, with training for First Nations monitors.
- Demonstrate how Indigenous input shaped projects - be transparent in how Indigenous input informs project design.
- Offer legally binding agreements that uphold First Nations' rights - Ensure engagement is not tokenistic but legally enforceable.

3. Protection of Cultural, Historical, and Ecological Sites

Preferred protective actions include:

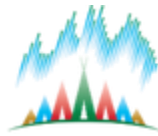
- Co-developing protection plans with affected First Nations.
- Avoiding disturbance to identified spiritually and culturally significant areas.
- Establishing First Nations-led monitoring programs to ensure ongoing, First Nations-led monitoring of these sensitive sites.

4. Land Acquisition Agreement Expectations

Essential elements in land agreements:

- Detailed land boundary descriptions.
- Provisions for protecting sacred sites.
- Fair, transparent compensation and revenue sharing.
- Joint land/resource management opportunities.

5. Restoration and Site Protection



- Restoration must involve and be guided by cultural knowledge holders.
- Companies, regulators, and Nations should share responsibility, with First Nations guidance central to the process.
- Restoration must aim to return lands to a state aligned with cultural values, not just industrial baselines.

6. Socio-Economic Effects (Ranked by Priority)

Top concerns include:

- i. Infringement on Treaty and Inherent Rights
- ii. Environmental degradation
- iii. Impact on cultural sites
- iv. Health and well-being impacts
- v. Economic marginalization
- vi. Employment and training barriers

7. Socio-Economic Benefit Plans

- Nearly all respondents supported a regulatory requirement for companies to co-develop socio-economic benefit plans with First Nations.

8. Engagement on Land Acquisition

Effective practices include:

- Early, collaborative consultations supported by dedicated funding.
- Formal agreements ensuring co-management, not unilateral transfer.
- Transparent communication on public/Crown land implications.
- Transparent Crown land dealings, with opportunity for joint management.
- Respect for cultural timelines and decision-making processes.
- Recognition of Indigenous jurisdiction and timelines.
- Formal consultation processes, not one-off notices.

9. Inclusion of First Nations Knowledge in Assessments

Companies must:

- Demonstrate how First Nations' input was applied in project planning.
- Include First Nations-led studies in regulatory filings.
- Co-develop assessment criteria and methodologies.

- Show evidence of knowledge translation, not just acknowledgment.

10. Mitigation & Reporting

Strong expectations for accountability through:

- Regular public and community reporting.
- Joint monitoring or First Nations oversight and joint tracking of mitigation efforts with First Nations)
- Legal enforceability of commitments.
- Long-term timelines and outcome tracking.
- Legally binding timelines and enforcement mechanisms.
- Public and community-accessible reports.
- Consequences for non-compliance.

11. Monitoring and Oversight by First Nations

Respondents supported:

- First Nations-led monitoring programs.
- Joint regulatory decision-making.
- Funding for independent impact studies and long-term oversight.
- Full access to compliance and environmental data and monitoring reports.

Overall Themes

- Respect for Treaty and Inherent Rights, First Nations Laws
- Capacity support and funding as a prerequisite for participation (sustained, funded, and transparent engagement)
- Shared decision-making, not symbolic participation
- Restoration and stewardship led by First Nations
- Recognition of First Nations authority and governance
- Long-term inclusion, not transactional consultation
- Desire for co-management, accountability, and equity in benefit distribution
- Desire for equity in project benefits and decision authority