

# WHAT WE HEARD

## Abstract

This report summarizes the outcomes of two community engagement workshops organized by Tribal Chiefs Ventures Inc. (TCVI) and its six-member First Nations as part of Phase 2 of the Canada Energy Regulator's (CER) review of the Onshore Pipeline Regulations (OPR) and Filing Manuals (FM). Over 80 participants, including Elders, Chiefs, youth, and technical experts, provided in-depth feedback on eight key regulatory topics. The discussions emphasized the need for meaningful inclusion of Indigenous rights, knowledge, and consent in all stages of energy project regulation, while calling for stronger accountability, clarity, and recognition of Treaty rights across jurisdictions.

Tribal Chiefs Ventures Inc.





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## 1.0 Introduction

The Tribal Chiefs Ventures Inc. (TCVI), on behalf of its six-member First Nations, and in collaboration with Indian Resource Council (IRC), organized two community engagement workshops to support Phase 2 of the Canada Energy Regulator's (CER) review of the Onshore Pipeline Regulations (OPR) and the Environmental and Socio-Economic Assessment and Lands sections of the Filing Manuals (FM).

The CER launched Phase 2 of this review on June 17, 2024, to gather feedback from Indigenous Peoples and stakeholders. The purpose is to update the OPR and FM to reflect meaningful Indigenous inclusion, protect Indigenous rights and interests, and improve safety, environmental protection, and regulatory clarity.

TCVI recognizes this review as an important opportunity to influence how projects impacting our lands, waters, and people are regulated. Our communities have a long-standing connection to the land, and our voices must shape how pipeline activities are overseen.

## 2.0 Why This Matters to First Nations

First Nations' inherent and Treaty rights must be respected and protected. First Nations possess localized knowledge, spiritual laws, cultural practices, and protocols that guide our relationship with the land. The current regulatory framework does not fully reflect their rights or ensure their participation across all project stages.

Through these engagements, TCVI aimed to:

- Raise awareness about gaps in the current regulations.
- Share stories and knowledge rooted in lived experience.
- Provide specific recommendations to improve the OPR and FM.

## 3.0 Engagement Overview

First Workshop

- Date: November 27, 2024

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- Location: Chateau Louis Conference Centre, Edmonton, AB
- Topics Covered:
  - ✓ I: Rights and Interests of Indigenous Peoples, Socio-Economic Effects and Engagement
  - ✓ M: Filing Manuals – Rights and Interests of Indigenous Peoples
  - ✓ J: Safety
  - ✓ B: Deactivation and End of Lifecycle

## Second Workshop

- Date: March 6, 2025
- Location: Courtyard Marriott, Edmonton, AB
- Topics Covered:
  - ✓ K: Environmental and Socio-Economic Assessment
  - ✓ L: Lands
  - ✓ C: Emergency Management
  - ✓ H: Reporting Harm

## 4.0 Participants

Over 80 individuals participated across the two workshops, representing 18 Indigenous organizations and communities, including Chiefs and Council members, Elders, Youth, technical staff, and legal advisors. Attendees came from TCVI's six member First Nations as well as neighboring communities such as Onion Lake Cree Nation, Samson Cree Nation, and Dene Tha First Nation.

The first workshop brought together 32 participants from TCVI member Nations and Indigenous organizations such as the Confederacy of Treaty Six First Nations, Indian Oil and Gas Canada (IOGC), Rae and Company, and the Indigenous Resource Council (IRC).

The second workshop welcomed 46 participants, including representatives from neighboring First Nations and Indigenous-led entities like Frog Lake Energy Resources, Lubicon Lake Band Ventures, TCETSA, IOCC, Stoney Kainaiwa Resources, and Saddle Lake Cree Nation.

## 5.0 Collaboration and Partnership

The first engagement session was independently organized by TCVI in collaboration with its six-member First Nations: Beaver Lake Cree Nation (BLCN), Cold Lake First Nations (CLFNs), Frog Lake First Nations (FLFNs), Heart Lake First Nation (HLFN), Kehewin Cree Nation (KCN), and Whitefish Lake First Nation #128 (WFLFN). These Nations are in northeast Alberta and collectively represent a population of approximately 14,000 members, both on and off reserve.

The second workshop was co-hosted in partnership with the Indigenous Resource Council (IRC), alongside the six-member TCVI member Nations.

## 6.0 Discussions During the First Workshop

The first workshop was called to order at 9:20 a.m., beginning with an opening prayer by Elder Melvin Abraham, followed by opening remarks from Cameron Alexis, TCVI CEO.

Jan Whitney, a representative from the Canada Energy Regulator (CER), introduced the CER team, which included Michael Benson, Coreen Lawrence, Sarah Ebborn, Claudine Bradley, and Rosie Zanin.

Jan Whitney delivered a presentation outlining the mandate and responsibilities of the CER, emphasizing that the organization is working towards positive changes by including Indigenous Peoples in its processes—a step she acknowledged as being in the right direction.

Following Jan’s overview, Michael Benson and Sarah Ebborn presented a PowerPoint presentation focusing on Rights, Interests, and Socio-Economic Effects, setting the stage for deeper discussions to follow.

The paragraphs shown in *italics* and enclosed in quotation marks (“ ”) represent the voices of the communities.

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

*“One of the participants stated that BLCN had submitted feedback to the CER a few years ago and would check if a response had been received. She raised questions about the Pathways*

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*Alliance and the requests made to the CER regarding the duty to consult, FPIC, and participation in addressing issues and concerns related to the new pipeline. She also mentioned that she had recently been in Geneva presenting on the Pathways Alliance project”.*

**CER response:** The CER is working to strengthen both the pipeline regulations and the filing manual. While they are not currently aligned at the same level, the CER is looking forward to receiving guidance on how to address this. When facilities fall under CER’s jurisdiction, hearings are held. CER regulations apply to interprovincial (cross-border) projects, and since the Pathways pipeline does not cross provincial borders, it does not fall under CER’s oversight. The CER is a federal regulator. These concerns have been raised before, but it is important to have them officially on record. The core issue lies in provincial jurisdiction.

*“One of the participants from IOGC spoke about inherent Treaty rights, noting that there is often a misunderstanding among Indigenous Peoples regarding the nature of these rights. The participant emphasized that the CER needs to learn about and better understand inherent rights. He explained that there is no true division between provincial and federal governments in this context, as these rights are derived from Section 91(24) of the Constitution Act, 1867. The treaty he mentioned is an agreement between two sovereigns, grounded in four essential elements: people, land, language, and governance systems. The participant also highlighted the Natural Resources Transfer Agreement (NRTA) and the need to consider revenue sharing as part of this broader discussion”.*

*“One of the participants from BLCN stated that off-loading responsibilities to the province and proponents is a mistake, especially when the expectations for proponents to engage with First Nations are not explicitly outlined in the OPR. These steps and expectations should be clearly embedded within the OPR itself, rather than being implied or left to interpretation through guiding documents on a project-by-project basis.*

**CER response:** One of the CER representatives mentioned that while there are two regulatory tools currently in place, they do not replace the responsibilities of the CER. The CER is actively working to obtain information from proponents to move forward with projects.

*“One of the participants from the Confederacy of Treaty Six First Nations asked whether the duty to consult could be recognized as a veto rather than just a check mark by the proponent. They emphasized that the government must uphold the rights to the land, including ensuring access*

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*to clean drinking water, and that this obligation should be embedded in the regulations—specifically through consent. The participant also stated that proponents should be required to compensate First Nations for the right to move a project through their territories”.*

*“One of the participants from IRC explained that IRC advocates for First Nations in oil and gas development and emphasized that there is no need to defend the work of the CER. Instead, he urged that messages from these discussions be delivered directly to the decision-makers. He criticized the current approach as working in the wrong direction—starting from the bottom—when the framework and regulations should flow from the top down. The participant described the issue of jurisdiction as a “very fake one,” pointing out that distinctions between provincial and federal jurisdictions often ignore the reality of sovereign First Nations whose lands cross these artificial borders. He concluded by stating that no pipeline activity in Canada occurs without impacting First Nation lands, and that discussions and regulations must reflect this truth”.*

*“One of the participants from FLFN suggested that an Indigenous Energy Regulator (IER) should be established. They expressed concern that the Alberta Energy Regulator (AER) believes it holds control over resources within Alberta, while the CER becomes involved only when projects span multiple provinces. The participant emphasized that the CER should act as a representative for First Nations and cautioned against using jurisdiction as an excuse to delay action or avoid responsibility. They reminded the group that jurisdictions did not exist before 1905 and urged the CER and others to actively support First Nations in developing their own Indigenous-led regulatory systems”.*

**CER response:** There is currently a window of opportunity to shape CER regulations in a way that better serves First Nations, ensuring that proponents engage with Indigenous communities in a more respectful and meaningful manner. The CER also shared that it is in the process of developing an Indigenous Business Centre to support increased Indigenous participation in energy projects.

*“One of the participants from TCVI reviewed the presentation slides and suggested changes to the wording. He recommended that the term “potential amendments” be replaced with “amendments”, “oversight” be substituted with a more appropriate term, and “suggestions” be changed to “recommendations”, to reflect stronger and more decisive language”.*

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One of the CER representatives referred to Topic Paper I and noted that slide 10 outlines three key topics, with discussion questions developed based on feedback received during Phase 1. The representative explained that the CER is seeking to gain a deeper understanding of which systems should be addressed and included in the updated regulations.

*“One of the participants from BLCN requested a correction to the wording used in the background slides. They took issue with the phrase “specific consideration of Indigenous knowledge”, stating that the term “consideration” is not strong enough. Instead, they emphasized that it should be changed to “explicit inclusion of Indigenous Knowledge” to ensure it is meaningfully recognized and integrated into the regulatory process”.*

*“Requirements for the inclusion of First Nations must be explicitly incorporated into the OPR. These requirements should establish baseline parameters outlining how proponents are expected to engage with First Nations throughout their project activities, ensuring consistency, accountability, and respect for Indigenous rights and protocols”.*

*“There must also be clear parameters outlining how the Crown engages with First Nations, recognizing that this is a government-to-government relationship. The exclusion of direct communication with First Nations undermines the legitimacy of the process, rendering it null and void. Proper due process must be followed, and the use of surveys as a substitute for meaningful engagement is deeply offensive to our communities”.*

*“Respect for knowledge holders is essential—any sharing of Indigenous knowledge must be supported with adequate funding to ensure meaningful participation and proper recognition of the time, expertise, and cultural significance involved in that knowledge sharing”.*

*One of the Elders expressed that damage has already been done and emphasized that both abuse and healing need to be acknowledged and addressed. The Elder called for the development of a plan that will work for everyone, ensuring that healing, respect, and unity are at the foundation of the path forward.*

Subtopic 3 – Engaging with Potentially Affected People and Communities (Slide 16):

*“This section focused on the importance of early, meaningful, and ongoing engagement with all potentially affected people and communities. Participants emphasized that engagement must not be a checkbox exercise, but rather a process rooted in respect, transparency, and trust,*

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*especially when it involves First Nations whose Treaty and inherent rights are directly impacted by project activities”.*

*“One of the participants in Subtopic 1 reflected on the relationship between Western science and Indigenous knowledge, stating that Western science should not be seen as superior. They shared that in a previous project, the knowledge of Indigenous Elders was always included and respected. They emphasized that if Indigenous knowledge is treated as merely supplementary, then Western science alone is not sufficient, and the overall process fails to be effective or inclusive”.*

*“One of the participants expressed frustration, stating that proponents often do not care—they proceed with their plans regardless. They questioned what the CER is and how much influence it holds over the Alberta Energy Regulator (AER). The participant pointed out that Treaty areas existed long before provinces, and that every site within Treaty 6 holds specific significance to First Nations—including lands affected by pipelines, oil and gas, and other resource development. These impacts need to be acknowledged and addressed. They also noted the jurisdictional divide, where CER handles interprovincial projects and AER oversees projects within Alberta, questioning the purpose of this engagement if CER cannot influence provincial decisions or bring about real change”.*

*“The duty to consult was not triggered in a case where a pipeline passed through reserve lands, which are federal lands. It was noted that the CER does not regulate the land itself—only the infrastructure on it. As a result, CIRNAC would be the department responsible. This situation was highlighted as an example of offloading responsibility, raising concerns about accountability and the fragmentation of regulatory oversight”.*

*“It was recommended that the CER find a clearer and more effective way to present its role and responsibilities. Participants emphasized that deflecting responsibility to the province is unacceptable, and that stating the mandate lies solely with provincial bodies is offensive. The federal government, including the CER, must take ownership of its role and ensure full accountability when it comes to matters impacting First Nations”.*

*“Language needs to be adjusted to enable better discussion”.*

*“One of the Chiefs from a TCVI First Nation shared that First Nations have held a vision and mandate since time immemorial—this is rooted in inherent rights. These rights cannot be*

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*offloaded, yet there appears to be a devolution process underway. This directly affects communities and members. The Chief emphasized the importance of looking ahead seven generations, asking how today's actions will impact future generations—and underscored the duty to leave the environment in a better state than it was found. He highlighted that First Nations come with knowledge and capacity, but they lack access to all the reports available to the CER and are expected to produce work and reports without receiving sufficient funding. If recommendations are expected from First Nations, then those efforts must be properly funded. The Chief also spoke about the Pathways Alliance, carbon capture, hydrogen, and the shift beyond oil and gas, stating that while these concepts are being discussed in theory, they are not being implemented effectively on the ground. Ensuring a secure and sustainable future is critical. He questioned, if Treaty rights cannot be exercised at the end of the day, then who is responsible? First Nations are not deviating from their position, but the government must understand that it cannot continue repeating the same actions and expect First Nations to accept them. He emphasized that First Nations are the land, and the government is attempting to separate people from the land, which is unacceptable. The land must be cared for and restored, and Mother Earth will restore herself if we do not—a process no one can stop. The Chief concluded by acknowledging the strong leadership and skilled technicians within First Nations who know what needs to be done. He stressed that if the environment and families are cared for, then everything else will fall into place. The benefits of Treaty relationships have so far been one-sided, and this must change. He reaffirmed support for an Indigenous Energy Regulator (IER), stating that First Nations must have their own reports and systems, so they no longer have to depend on provincial or federal documents to validate their concerns”.*

*“One of the participants raised a critical question regarding pollution and aquifers, challenging the CER’s position that the Pathways Alliance project falls outside its jurisdiction because it is located within a single province. The participant asked, what happens when contaminated groundwater travels across provincial boundaries, given that aquifers are hydrologically connected and do not follow political borders. They also questioned how plumes of smoke and air pollution— which can travel regionally, nationally, and even internationally—are addressed, if the CER limits its involvement based on provincial jurisdiction. This raised serious concerns about regulatory gaps and environmental accountability that fail to reflect the interconnected nature of ecosystems”.*

(The lunch break was taken at 12:20 p.m., and the meeting reconvened at 1:00 p.m.)

## M. ORP - Filing Manuals and Indigenous Rights

### *Restructuring the filing manual*

*“One of the participants mentioned that the CER regulates energy and infrastructure to prevent harm and ensure the safe, reliable delivery of energy, but emphasized that inherent rights should supersede regulations. First Nations should be able to influence the AER to regulate the Pathways Alliance (PA) proponents. The phrase “sites of Indigenous significance” was discussed, with the participant clarifying that Treaty 6 itself is a site of significance to the people living within that area. The treaty was entered into between two sovereign nations—the First Nations and the Crown. Therefore, CER rules and regulations need to apply nationally, including having influence over provincial regulations. Additionally, the information provided by the CER should be clearer for meaningful discussion. The participant also noted that the CER regulates projects such as the Trans Mountain pipeline, which crosses provincial boundaries”.*

*“One of the participants from BLCN shared that their Nation has been actively working on these issues. They expressed concern that the narrow approach taken by proponents and government does not properly consider or protect inherent Treaty rights. The process currently used for Traditional Land Use (TLU) studies was described as a watered-down version of what is truly required to respect Treaty obligations. He noted that traditional land and resource use is being downgraded, failing to acknowledge the Treaty relationship and the Crown’s responsibility to protect those rights. The site-specific concept used in many assessments does not reflect the broader scope of First Nations rights, which exist throughout Treaty 6 in Alberta, across all unoccupied Crown lands and lands that First Nations have the right to access. The participant criticized the idea that TLU follows a “use it or lose it” approach and warned that proponents often use specific locations to bypass broader First Nations rights. This fails to recognize that impacts extend far beyond a single project footprint, and that there are cumulative effects which are not captured in the limited information provided by proponents”.*

*“One of the participants shared that their experience has been that Indigenous knowledge is often left out. They questioned what is truly meant by “Indigenous-led”—does it refer to scientific studies or to knowledge keepers? From their experience, it has usually been university-led studies that are relied upon, rather than those grounded in Indigenous knowledge systems”.*

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*“The recommendation is that while the CER has guides and filing manuals that may reference consultation with First Nations and Treaty Indian people, these documents cannot replace the specific documents identified in the filing manual. They are not binding and do not carry the same force and effect as formal regulations. Regulations are intended to clearly outline how legislation should be implemented. First Nations are calling for legislative and regulatory changes. The CER’s responsibility lies with the proponents, not directly with the First Nations, yet First Nations are relying on the CER to ensure their rights and interests are protected. Therefore, stronger regulatory measures must be included”.*

*“Subtopic 6 – Traditional Land Use (TLU): The OPR currently does not include requirements for proponents to provide adequate capacity funding to enable First Nations to meaningfully participate in negotiations. Without such support, communities are often left without the resources needed to engage properly. One participant warned that in such cases, “silence is consent” becomes the default—implying agreement when, in fact, the community may have been unable to participate due to lack of capacity”.*

*“One of the participants remarked that the largest oil company in Canada will likely just flip to the next page when reviewing “suggestions.” They emphasized that suggestions are not strong enough and must be clearly stated as recommendations to carry the necessary weight and influence”.*

*“One of the participants stated that Treaty rights supersede Indigenous rights, and that First Nations significance should be recognized as Treaty significance”.*

*“Treaty trumps Canadian law”.*

*“One of the participants from BLCN pointed out that while it is stated that inherent and Treaty rights are recognized, the CER says this, yet the OPR is currently silent on how it actually protects inherent, Treaty, and Indigenous rights, and does not include any requirement to notify First Nations in any form”.*

*One of the participants from TCVI emphasized that we cannot be pigeonholed under the term “Indigenous”—there must be clear identification as Treaty peoples. They stated that the entire land is significant, noting that some of it was illegally purchased or taken from First Nations. The participant questioned why the province is increasingly referring to Crown land as public land, asking, what is the reason behind this change in terminology? He pointed out that several First*

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*Nations in Alberta have lost their lands, such as Papaschase First Nation, which is currently trying to reclaim its traditional territory. They asked how this situation fits within the current regulatory framework. With the province introducing a new sovereignty bill, the participant questioned, what authority does the CER actually have in protecting Treaty rights and addressing these concerns”?*

*“One of the participants from IOGC explained that public land is considered fee simple land, meaning it can be sold to the public and requires public assent for the sale”.*

### J. OPR – Safety

*Unintended spills, fires and explosions – process safety and management*

*“One of the participants noted that the CER needs to be more specific in its safety program, including detailed descriptions of particular incidents to ensure clarity and accountability”.*

*“One of the participants from WFLFN shared that DEM personnel are not fully aware of what is required for safety management. He noted that Confederacy of Treaty 6 has an emergency management group, and these matters will be discussed further with the 17 First Nations involved, particularly regarding protocols in the event of an emergency. He raised questions such as: What are the current regulations? In the case of incident remediation, who ensures that First Nations are included in the process? He also pointed out that while some provisions exist around emergency management, they are found outside of the safety manual, creating uncertainty around how these processes are governed”.*

*“One of the participants asked whether the CER has the authority to levy fines if someone does not follow the regulations. It was noted that the 2015 regulations are currently in effect, and that information about them is available online. The participant also commented that the Alberta Energy Regulator (AER) often lacks proper follow-up and there is usually a lack of notification from the AER. However, it was acknowledged that the CER does have the power to step in if a company fails to respond adequately to a situation”.*

*“One of the participants from BLCN pointed out that the current safety manuals do not adequately consider the safety risks to First Nations members. They primarily focus on employees and individuals living in close proximity to project sites, but do not include regulations requiring adequate notice to First Nations in the event of emergencies that may*

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*impact them. The participant emphasized that First Nations must be notified if incidents have any impact on their communities. He also stressed that the OPR needs to strengthen its standards and clarify how those standards are to be implemented. The wording in the regulations must be more specific, and companies should be encouraged—and expected—to go beyond the minimum requirements. This is not just a suggestion; it is a clear requirement being requested by First Nations”.*

*“One of the other participants from BLCN shared that BLCN has faced challenges in accessing data related to specific industry activities occurring within their territory. They emphasized that such data is essential to support First Nations' meaningful participation in related regulatory and environmental processes. In particular, geospatial data is difficult to obtain, often expensive, or simply not shared with First Nations. The participant recommended that this data be made freely available and accessible to First Nations, so they can operate on an equal footing with industry and government counterparts”.*

## B. OPR – Deactivation and End of Lifecycle

*“One of the participants noted that definitions have never been included in the regulations before and expressed a desire to see them formally incorporated into the regulations. They acknowledged that objectives were provided during the discussion, and that feedback was being requested on how to improve clarity and understanding within the regulatory framework”.*

*“One of the Elders asked, who is responsible for the cleanup if an incident occurs, or a pipeline is abandoned. It was noted that this falls under different rules set by the CER. The Elder expressed concern that, historically, First Nations have not been involved in decommissioning processes, and that funding is provided to the associated companies—not to the First Nations—to carry out this work. They also pointed out that native grasses are often not reseeded, which means animals will not feed there and traditional medicines will not grow, resulting in further environmental and cultural loss”.*

*“One of the participants stated that there should be specific provisions in the regulations addressing multinational ownership. Often, these companies leave the territory without proper cleanup, leaving their “garbage” behind. The participant emphasized that such companies must be required to meet with First Nations, understand their concerns, and follow the rules set by the communities and the regulatory framework”.*

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*“One of the participants: Bill 35 – open up more crown land for public use”.*

*“One of the participants mentioned Bill 35, noting that it aims to open up more Crown land for public use, which raises concerns about the potential impact on Treaty rights, traditional land use, and First Nations' access to their territories”.*

Closing prayer by Elder

Adjourned!!

## 7.0 Discussion during the Second Workshop

The session was called to order at 9:20 a.m., beginning with an Opening Prayer by Elder Ed Obichon. Cameron Alexis, TCVI CEO, provided opening remarks and an overview of the day, followed by opening remarks from Chief Greg Desjarlais.

The CER then presented background information on the proposed changes to the Onshore Pipeline Regulations (OPR).

Doug Rae from Rae and Company offered legal insights on how these regulatory changes pertain to First Nations, highlighting key recommendations such as:

- ✓ Permission must be obtained from the landowner
- ✓ Compensation must be provided to the landowner
- ✓ Clarification is needed on who has the authority to make decisions regarding the space—whether it is the CER or another body
- ✓ UNDRIP and FPIC must be acknowledged and incorporated into the regulatory process

The paragraphs shown in *italics* and enclosed in quotation marks (“ ”) represent the voices of the communities.

## K. Filing Manuals – Environment and Socio-economic assessment and L. Filing Manuals – Lands

*“One of the participants asked, when is permission actually granted—at the time the project is approved or beforehand? He emphasized that proponents must ensure that consent is obtained*

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*before any work begins, underscoring the importance of respecting First Nations' rights to give or withhold consent in advance of project activities.*

*“One of the participants asked, what is permission or consent based on when it comes to Chief and Council (C&C)? It was noted that there is a specific provision in the CER Act that addresses the requirement for obtaining consent before any work can begin on reserve land”.*

*“One of the participants asked, how does it work if a First Nation group holds hereditary title? It was noted that in such cases, legal counsel would need to be involved to navigate the complexities of hereditary governance and land rights within the regulatory framework”.*

*“One of the participants asked, how much of the restructuring process includes the UNDRIP and how traditional lands are acknowledged. It was noted that the CER, upon determining its jurisdiction, would then identify which regulations are applicable to the project or activity in question.”*

*“It was noted that the Pathways Alliance pipeline does not cross provincial borders and therefore does not fall under the jurisdiction of the CER. If it were an interprovincial pipeline, it would be regulated by the CER.” What about the cumulative effects of pipeline in the long run? What if the contaminated groundwater flows to another province or aquifers are contaminated? What about the plumes of gas travel to another province? Does CER come into effect”?*

*“A concern was raised that the AER is not respecting traditional territories, highlighting a lack of recognition for First Nations' inherent and Treaty rights to their ancestral lands within the provincial regulatory processes”.*

*“It was noted that jurisdiction—whether a project crosses provincial borders or remains within a single province—determines which regulatory agency has authority. Interprovincial projects fall under the CER, while intra-provincial projects are regulated by provincial bodies like the AER”.*

*“A participant raised the question: What happens if underground infrastructure causes a cross-border impact, such as a plume from underground CO<sub>2</sub> storage related to the Pathways Alliance? It was noted that if the infrastructure were above ground and crossed borders, the CER would have jurisdiction. However, there is currently not enough knowledge or clarity about underground storage to provide a definitive answer regarding regulatory responsibility in such cases”.*

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*“A participant asked, what are the actual requirements for assessing the effects on the rights of Indigenous Peoples. This question points to the need for clear, enforceable standards within the regulations that define how impacts on Indigenous rights are to be identified, measured, and addressed throughout the project lifecycle. (Refer to #9 for further context.)”*

*“A participant noted that Canada is providing financial support to the Pathways Alliance initiative and questioned whether this should trigger CER’s jurisdiction over the project. The concern reflects the view that federal involvement, especially through funding—should come with federal oversight and regulatory responsibility, including by the CER”.*

*“A concern was raised about the lack of respect for First Nations’ inherent and Treaty rights, highlighting ongoing frustration with regulatory processes that fail to fully recognize, protect, or uphold these rights in practice”.*

*“Participants emphasized the need to use language that respects First Nations’ sovereignty, and requested more information to ensure that terminology used in regulations and communications accurately reflects the Nation-to-Nation relationship and inherent rights of First Nations”.*

*“A participant raised concerns about the impacts on First Nations when projects occur on reserve lands without acknowledgment by the CER. They questioned how meaningful collaboration can take place to ensure that all parties are heard and emphasized the importance of considering cumulative effects—not just isolated impacts. They asked how the overall impact on the land, people, and Treaty rights can be properly assessed and included in the regulatory process”.*

*“A participant asked, where are the First Nations representatives within the CER from Alberta. This question highlights the concern about the lack of visible Indigenous representation within the regulatory body, particularly from local Alberta First Nations, and the need for more inclusive and regionally representative participation in decision-making processes”.*

*“A participant raised questions about employment opportunities and procurement, noting that the regulations do not currently include specific quotas. They inquired about existing policies, what types of training programs are available, and whether there are requirements such as 10% procurement and 10–15% employment targets for Indigenous Peoples on federally regulated projects”.*

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*“A participant asked whether BLCN’s comments and interventions were incorporated into Phase 2 of the review process, seeking clarification on how previous feedback from First Nations is being acknowledged and reflected in the current regulatory updates”.*

*“It was noted that the CER does not typically get involved unless a formal complaint is received, and intervention is requested. Participants emphasized that this reactive approach needs to change, calling for a more proactive and preventative role by the CER in addressing potential issues before they escalate”.*

*“Participants asked that transparency needs to be improved within CER processes. They also highlighted the importance of clearly defining terms to avoid misinterpretation or confusion, especially when it comes to language that affects rights, responsibilities, and engagement expectations”.*

*“Participants emphasized the need for consultation to be both meaningful and adequate, ensuring that First Nations are fully informed, genuinely heard, and actively involved in decision-making processes that impact their lands, rights, and communities”.*

*“Participants emphasized the importance of listening to guidance, particularly from Elders, knowledge holders, and community leadership, to ensure that decisions are informed by traditional wisdom, lived experience, and culturally grounded perspectives”.*

*“A participant questioned whether adequate studies and research have been completed to minimize the effects on the land, specifically regarding flora and fauna. This highlight concerns about the thoroughness and reliability of environmental assessments and the need for rigorous, culturally inclusive research before projects proceed”.*

*“Participants expressed frustration about being caught between the jurisdiction of the federal and provincial governments, which often leads to confusion, delays, and a lack of accountability. This jurisdictional divide undermines First Nations’ ability to have their rights and concerns properly addressed”.*

*“A participant raised a critical question: Will this engagement actually make a difference in the process? This reflects ongoing concerns about whether First Nations’ voices are genuinely heard and acted upon, or if the engagement is simply a procedural requirement with little real impact”.*

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*A participant pointed out that Treaty boundaries cross provincial borders, reinforcing that jurisdictional lines drawn by governments do not align with the traditional and Treaty territories of First Nations. This underscores the need for regulatory frameworks to recognize and respect the full extent of Treaty lands, regardless of provincial or federal boundaries.*

(Lunch break was taken at 12:10 p.m., and the meeting reconvened at 12:55 p.m.)

Doug Rae from Rae and Company delivered PowerPoint presentations in all four topics offering a legal perspective on various topics related to the CER's regulatory framework.

### C. OPR – Emergency Management

- ✓ *Jurisdictional clarity is needed - participants questioned who have authority in different areas.*
- ✓ *CER emergency management manuals should be reviewed by First Nations to ensure cultural relevance and inclusivity.*
- ✓ *Industry best practices for emergency responses in the industry should be evaluated and improved.*
- ✓ *Companies must collaborate with local First Nation first responders as part of emergency planning and response protocols.*

### H. OPR – Reporting Harm

- ✓ *Clarification was requested on what qualifies as an incident for the purpose of reporting.*
- ✓ *Concerns were raised about regulatory overlaps that create confusion and gaps in accountability.*
- ✓ *Participants questioned why the CER does not have jurisdiction over projects located on federal lands, despite their potential impacts on First Nations.*

### K. Filing Manuals – Environmental and Socio-Economic Assessment

- ✓ *It was emphasized that inherent rights must be a central and non-negotiable part of any agreement or assessment process.*

### L. Filing Manuals – Lands

- ✓ *The term “cultural purposes” should be used instead of “traditional purposes” to better reflect Indigenous worldviews and legal standing.*
- ✓ *The importance of Free, Prior, and Informed Consent (FPIC) was reiterated.*

## What We Heard

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- ✓ *Discussions included the need for fair compensation models, including the use of a most-favored-nation clause to ensure equitable treatment across communities.*

### C. OPR – Emergency Management

One of the CER representatives provided a brief overview of the five subtopics outlined in the Emergency Management (EM) discussion paper, which included:

- ✓ Subtopic 1: CSA Z246.2 — Incorporation by Reference
- ✓ Subtopic 2: Priorities to be Considered within the EM Program
- ✓ Subtopic 3: Consolidation of current regulatory framework requirements within the OPR
- ✓ Subtopic 4: Liaison Activities and the Continuing Education Program
- ✓ Subtopic 5: Involvement of Indigenous Peoples in EM

*“One of the attendees emphasized the importance of cultural sensitivity when it comes to First Nations lands, noting that emergency management and regulatory processes must respect and reflect the cultural, spiritual, and historical significance of these territories”.*

*“One of the attendees stated that Treaty principles should be formally incorporated into the regulatory framework, emphasizing that Treaty rights are foundational and must be reflected in all policies, procedures, and decision-making processes”.*

*“One of the attendees mentioned that the DEM officer or another appointed personnel should serve as the main point of contact for emergency management within First Nations communities, ensuring clear communication and coordination during planning and response efforts”.*

### H. OPR – Reporting Harm

A CER representative highlighted the summary of the seven subtopics outlined in the Reporting Harm discussion paper, which included:

Due to limited time constraints and a smaller number of attendees toward the end of the day, there was minimal discussion on this topic.

Closing prayer by Elder

Adjourned!!

## 8.0 Conclusion

The two workshops hosted by TCVI and its six-member First Nations offered a critical space for First Nations voices to be heard in the CER' Phase 2 review of the Onshore Pipeline Regulations (OPR) and Filing Manuals (FM). These engagements demonstrated the strength, knowledge, and unity of First Nations in Northeast Alberta and neighboring communities, as well as the deep concern about how energy projects affect our lands, waters, rights, and future generations.

Participants raised many important and recurring themes:

- ✓ Inherent and Treaty rights must be clearly reflected and protected in federal regulations.
- ✓ Jurisdictional issues must not be used to avoid responsibility, especially when projects impact First Nations across provincial boundaries.
- ✓ Indigenous knowledge, laws, and protocols must be explicitly included, not just considered.
- ✓ The duty to consult must go beyond checkbox exercises and reflect true Nation-to-Nation engagement, including Free, Prior, and Informed Consent (FPIC).
- ✓ Stronger language and accountability measures are needed in the OPR and FM, including enforceable commitments around safety, emergency management, land use, and reporting harm.
- ✓ First Nations must be adequately resourced and supported, including access to data, funding for participation, and fair compensation.
- ✓ Environmental and cumulative effects assessments must respect cultural values, traditional territories, and long-term impacts on future generations.

Participants also called for the establishment of an Indigenous Energy Regulator (IER) to ensure Indigenous-led oversight and decision-making in energy development.

The CER now has an opportunity to reflect this feedback meaningfully in the updated regulations. For First Nations, this is not just a policy review—it is about ensuring that our voices are no longer sidelined, and that our rights, lands, and people are respected now and for generations to come.



What We Heard

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We thank all Elders, Chiefs, Youth, technicians, and community members who contributed their insights, stories, and knowledge. TCVI is committed to continuing this important dialogue and ensuring that the outcomes of these workshops are heard, understood, and acted upon.

For further information, please contact:

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