



Mountain Métis Community Association

March 18, 2025

Report on Onshore Pipeline Regulations and Filing Manuals Review

Meeting Dates: December 11, 2024, and January 23rd, 2025

Participants: 9 x 2 meetings

Introduction

Our Association (Mountain Metis Community Association) was invited to hold a one-day review/workshop regarding the Onshore Pipeline Regulation and Filing Manuals Review. Due to the date and during the week we had nine participants attend, two elders (with an interpreter) and seven members.

The presentation itself was a bit confusing because of the definitions, acronyms, and this being presented as a new review with our community members. We also held a second meeting, January 23rd, 2025, with the same members who attended December 11th, and were able to provide more information, define the acronyms, and explain what the OPR/FM is about.

The Canadian Energy Regulator (CER) is responsible for overseeing pipelines and power lines that cross provincial and national borders. The regulator ensures the protection of people and the environment while reviewing project applications, regulating imports and exports of natural gas and oil, sharing data and analysis, and determining project feasibility and pricing structures. The CER currently regulates approximately 71,000 kilometers of oil and gas pipelines and 1,500 kilometers of electrical power lines at the federal level.

Purpose of the Presentation

The presentation focused on the ongoing review of onshore pipeline regulations and filing manuals. The key objectives included addressing Indigenous rights and interests, ensuring environmental protection, and considering socio-economic effects which input is being sought on:

- Indigenous rights and interests
- Socio-economic effects
- Public engagement processes
- Environmental protection measures
- Land management
- Safety and damage prevention

The regulatory review aims to enhance existing frameworks and ensure that all stakeholders, particularly Indigenous communities, are adequately consulted and involved in decision-making processes.

Geographical Distribution of Pipelines and Power Lines

Most of Canada's pipelines and power lines are concentrated on the western side of the country, with Alberta being a significant hub for energy infrastructure. While the CER regulates federally controlled pipelines, the Alberta Energy Regulator (AER) manages provincially regulated pipelines within Alberta.

NGTL and the Life Cycle of Pipeline Regulation

Nova Gas Transmission Ltd. (NGTL), a subsidiary of TransCanada, is a key player in the pipeline network. Pipelines follow a life cycle regulatory process that includes:

1. **Planning Stage:** Companies plan and assess feasibility with the input of Indigenous communities.
2. **Application Submission:** Proposals are submitted to CER for review and Indigenous communities have an approved copy of the proposal submitted.
3. **Construction Phase:** Approved projects proceed with development with Indigenous communities being immersed with the development of the project.
4. **Operation Stage:** Pipelines begin transporting oil or gas, updates of the transport happen on a regular basis.
5. **End of Life Cycle:** Decommissioning and abandonment of pipelines, these are identified with Indigenous communities and communities' involvement on how and when the decommissioning will happen and ensure the area is reclaimed with the natural resources that were initially in the area.

Concerns:

During the January 23rd meeting we were able to identify the following concerns:

- Who is responsible if a pipeline bursts?
- Ensure we are part of all the stages from 1. to 5. above. Participating in these stages are crucial especially starting at the Planning Stage. We want to know what is going on in our Associations and Communities environment.
- Must recognize the diversity of all Indigenous communities and respect the unique governance models, traditions, and protocols of Indigenous Peoples.
- Governance structures must be both adaptable and reliable, evolving in response to the changing priorities and needs of Indigenous communities.
- Natural law encompasses the holistic governance of all things. For generations, Indigenous peoples have practiced self-determination by stewarding lands, waters, communities, and economies.
- **Environmental Impact:** A pipeline burst can lead to contamination of water sources, soil degradation, and harm to local wildlife, who is responsible for ensuring, and holding accountability should this happen?
- **Health & Safety:** Leaks or explosions can pose serious health risks, including air pollution and exposure to hazardous materials. who is responsible for ensuring, and holding accountability should this happen?
- **Land & Indigenous Rights:** Many pipelines run through Indigenous or rural lands, raising concerns about consent, land use, and traditional practices. How will we know and ensure these are abided by?
- **Emergency Response:** How quickly a spill is detected and contained is a major concern, especially in remote areas. We must be notified directly should this happen within a certain Indigenous land area or within the communities' land use.
- **Long-Term Accountability:** Who is responsible for cleanup and compensation if a spill occurs?
- Ensure transparency through clear communication, openness, and accountability.

- A significant concern is orphaned pipelines, which have not been properly decommissioned, what is happening with these?
- How are Power Lines regulated and how do we ensure that any land and water disruptions are not interfering with our Traditional Land Use or any other factor that may put our environment at risk?
- Will the Alberta Energy Regulator have input?

Strategies:

Upon discussions we put together the following integrating strategies to ensure barriers to participation is available and foster inclusivity for Indigenous communities. We believe participation is critical and in order for Indigenous communities to participate capacity ensures equitable opportunities for Indigenous communities' involvement.

1. Dedicated Funding for Indigenous Participation

- Establish specific funding streams to support Indigenous-led monitoring programs.
- Provide grants for Indigenous communities to develop their own environmental monitoring frameworks.
- Allocate resources for capacity-building initiatives, such as skills training in environmental assessment, compliance monitoring, and data collection.

2. Comprehensive Training Programs

- Develop culturally relevant training programs that blend Western science with Indigenous Knowledge Systems (IKS).
- Offer hands-on training in GIS mapping, water quality testing, wildlife tracking, and pipeline impact assessments.
- Partner with technical institutions and Indigenous-led organizations to deliver training in remote communities.

3. Addressing Barriers to Participation

- Provide travel stipends, accommodation support, and technology access to mitigate geographic remoteness.
- Offer capacity-building workshops tailored to different community governance structures.
- Ensure that engagement methods remain flexible, allowing for in-person, virtual, and hybrid participation.

4. Strengthening Indigenous-Led Monitoring & Oversight

- Empower communities to co-develop monitoring protocols that align with both regulatory requirements and traditional land use practices.
- Establish formal agreements recognizing Indigenous monitors as key stakeholders in pipeline oversight.
- Support the creation of Indigenous Guardian Programs to provide long-term employment opportunities in environmental monitoring.

5. Enhancing Regulatory and Industry Collaboration

- Require companies to engage with Indigenous communities early and continuously throughout the project lifecycle.
- Implement mandatory Indigenous participation in regulatory reviews to ensure traditional land use is respected.
- Encourage pipeline operators to fund Indigenous-led impact assessments and integrate findings into regulatory decisions.

Conclusion

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes Indigenous self-determination, affirming their status as rights holders rather than just participants or stakeholders in matters affecting their lands and lives. Honoring these commitments requires ensuring Indigenous Peoples have a direct role in decision-making, allowing them to shape projects in alignment with their governance systems, cultural values, and relationship with the land.

The Onshore Pipeline Regulations and Filing Manuals Review is a critical initiative to modernize Canada's regulatory framework for pipelines and power lines. Ensuring Indigenous rights, environmental protection, and stakeholder engagement remains a priority. Ongoing engagement will be instrumental in shaping future regulations and enhancing safety, transparency, and sustainability in the energy sector and with Indigenous communities.

To ensure transparency, we prioritize clear communication, open decision-making, access to information, accountability measures, regular check-ins, feedback, and ethical leadership. With sustained funding, tailored training, and regulatory recognition, Indigenous communities can actively participate in pipeline monitoring, protecting their lands, waters, and cultural heritage. We recognize the significant commitment required for Indigenous communities to engage in the regulatory process and strive to be partners, advisors, knowledge keepers, traditional land use protectors, and professional leaders within our communities.

With Appreciation,

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Mountain Metis Community Association

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Website: mountainmetis.com