



BINGWI NEYAASHI ANISHINAABEK

[REDACTED]

Bingwi Neyaashi Anishinaabek has commented on the discussion papers that concern the community the most. Not all questions are answered; our community may not have input as we do not have experience with that issue. Our registered members have been directed to the CER public comments webpage so they can give their input to developing these policies.

B. OPR - Deactivation and End of Lifecycle Topic Paper

B1: These definitions appear to cover a broad range of activities under each definition.

B2: Indigenous communities should be included in decommissioning plans with consultation and communication, as they should be involved in all other planning stages and operations. Jobs, labour training, and monitoring programs should be prioritized so that these Indigenous communities have meaningful engagement. Land should return to its original function and quality, with damage to surrounding areas and water bodies rectified. Logistical frameworks such as scoring systems or flow charts could help assess decommissioning activities.

B3: A management system and the funds to maintain it properly must be established and held in trust before any ground is broken on projects. Companies must ensure that the land is returned to previous conditions as long as possible without causing greater harm. The goal should be to remove any infrastructure so that complete site reclamation may occur.

B4: Any physical or chemical issues should be accounted for with plans for possible situational issues. This includes events not typical to the region, as climate change is rapidly changing the types of natural disasters that occur regionally. These management systems should be the company's responsibility until all infrastructure is removed.

B5: Notices instead of applications for the deactivation of a pipeline are adequate only if there is a clearly reviewed management and monitoring plan in place. A policy must also ensure pipelines are not held in a deactivated state for years instead of fully decommissioning them with site reclamation.

B6: This is not a concern; however, mandating a yearly midway notification would help ensure that monitoring programs are followed.

B7: Indigenous Peoples should be involved in the monitoring of sites. This includes providing the resources to train individuals and funding for monitoring activities. Any surveillance conducted must have clear signage alerting people of recording devices.

B8 Indigenous Peoples can be involved in collecting samples such as plants and water. Surveys and oral histories can also be given for the site's status before and after activities occur.

B9: Records should be retained so there is baseline data if there are issues. These records should remain until the site is fully reclaimed and all infrastructure is removed.

C. OPR – Emergency Management Topic Paper

Significant Indigenous sites must be adequately protected, with particular attention to preserving their function. BNA's emergency management plan and protocol are expected to be followed in an emergency. BNA also expects to be consulted on any emergency management plan for projects on its traditional territory, have a copy of the said plan, and be notified and provided a copy of any changes as they are made. When a reportable event has occurred, tribal councils should be notified, as they are more likely than individual First Nations to have specific technical emergency management personnel on staff to assist the potentially multiple communities affected.

Providing training, perhaps with scenarios of how community members can report issues and what to do in an emergency, would increase awareness and education to deal with problems swiftly.

The CER should provide funding for salary dollars and training for FN communities to work together to mitigate and monitor pipeline activities to reduce human harm.

Any spills or reportable incidents that could harm persons or their section 35 rights must be expressed to the local communities so they can alert their members and send them to local media sources (radio, news).

C2: The broader term of people is better as it includes all the types of individuals involved.

C3: With the history of various industries, either deliberately or through negligence, causing massive issues to the land with their development, having language in the policy stating that significant and historical sites will be protected is a minimum.

C4: The distinction between liaison and continuing education activities should be clarified more, as they involve different groups of people with different needs and goals.

C7: Indigenous involvement in EM plans should increase, especially when their land may be affected. Plans should not be made for Indigenous people without their input.

C8: BNA is very much in support of proactive and inclusive planning in affected Indigenous Communities.

D. OPR – Environmental Protection Topic Paper

D1: Indigenous communities in the vicinity of any form of contamination must be alerted as soon as possible. There must be documentation held by the regulator as that communitive effects must be monitored.

D2 The area must be returned to its former function and quality. The expectation is if that site can be enhanced, for example, in climate change adaptation or habitat improvement.

D3: The goals of returning the site to disturbance may not be adequate, especially if that site was chosen because it was already a brownfield site. BNA agrees that the larger regional context must be considered.

D4: Affected people should be involved as they know what factors are critical to their way of life and rights. The Indigenous Guardians conservation programs across Canada should be considered a positive example of Indigenous monitoring.

D5: To have any monitoring program, pre-disturbance baseline lines must be established. In different ecological regions, the significant factors monitored would be different; some examples could include the presence of medicinal plants and the quality of the surface and groundwater sources.

D6: Challenges would include the availability of trained individuals to carry out long-term monitoring. Maintaining consistency would be key to producing accurate data with a significant turnover of technicians.

D9: A system similar to the free-to-growth standards in forestry would provide metrics to ensure that the sites are left in a condition that is the same or better than that of predevelopment.

D13: Having systems and plans before an emergency allows swift action. Plans created for environmental issues need the input of community members, which cannot happen if they are dealing with the implications of an emergency.

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

I1: Basing the CER regulations in line with UNDRIP policy is an excellent guide to ensure the inclusion of the broad set of considerations needed to create a balanced policy. Policy concerning Indigenous populations should consider the lived experience of these people in all aspects of planning and operations. The statement about not being overly prescriptive is key, as Indigenous communities cannot be treated as a monolith. There should, however, be set minimum standards of practices. The other suggested measures increase awareness and knowledge of specific concerns to Indigenous populations and would likely be helpful to company culture and business. As a governing body, the CER should mandate that all companies doing business under its umbrella comply with set minimum standards.

I2: Any management system incorporating Indigenous knowledge must be handled respectfully. Measures must be taken to ensure the confidentiality and security of sensitive information. Some examples are using buffers when identifying sites on maps or only allowing a few people to have specific information about what is at a particular site or why it is crucial. These measures are essential when they relate to specific land-based values, such as burial sites or other points of cultural significance.

I3: Assessment criteria would be a suitable method to ensure consistency. All efforts should be made to have an ongoing dialogue with Indigenous communities. This can be in the form of various surveys, in-person presentations, panels, and question-and-answer sessions at Indigenous community events and meetings. The important part is that the chosen form of communication facilitates a respectful exchange of relevant information.

I4: The challenge with any policy method is making it relevant to the specific communities it serves. Building strong relationships where problems can be addressed would help mitigate this source of ineffectiveness.

I5: A series of informational and interaction webinars could help continuously use of the most recent policy. Regular communication with Indigenous communities will help support impactful policy.

I7 These proposed action items seem like a good idea. They would encourage policymakers to incorporate broader action items than have previously been implemented.

I8: Expanding the Environment Protection Program to include socioeconomic factors is a logical choice, as many Indigenous communities see themselves as part of the environment. Taking a multidisciplinary approach is a culturally informed mindset.

I9: When designing programs, measurable goals should be established before implementation. Yearly reports on how these metrics are being quantified and assessed should be sent to communities affected by operations or involved in the consultation process.

I11: A summary document addressing new requirements in layman's terms would help initiate the transformation of abstract ideas into tangible effects.

I12: Having a clear pathway to engagement is key so that information can be exchanged and communities can assert their rights before an issue arises. Having requirements leaves consultation to become suited to both the project and the community affected.

I15: Technical support for communities may be a challenge. Some communities may mitigate this by accessing a tribal council or technical services. Financial support may be required for communities to hire technical advisors.