



Track B: Report for the Onshore Pipeline Regulations Review and Filing Manuals Update

Contacts: [REDACTED]
[REDACTED]

Compiled by: [REDACTED] Tsilhqot'in National Government
Communities: ʔEsdilagh First Nation, Xení Gwet'in, Yunesi'tin, Tl'esqox, Tsideldel, and Tl'esqox
Date:

INTRODUCTION

This report's findings are shared to TNG by the First Nation Energy and Mining Council and that the information relates to oil & gas. The Tsilhqot'in Nation has occupied, used and managed, according to Tsilhqot'in Law and Governance, from before contact and to the present day. The Tsilhqot'in Nation continues to assert Aboriginal rights and Aboriginal title over these lands. These rights have never been ceded nor surrendered.

The Tsilhqot'in National Government (TNG) is providing this response without prejudice to the rights and title that the Tsilhqot'in continues to hold over the territory in which this project proposal is being contemplated.

Project Background/Context:

Eligible Activities and Costs: While you do not need to account for the grant, the funding must be used for one or more of eligible expenses below for the activities for which the grant was provided:

Travel expenses.

- Legal and professional fees.
- Honoraria and ceremonial costs; and
- Other appropriate costs necessary for the proposed activity, such as rental of meeting room and collection, distribution, translation or purchase of information materials and general administrative costs.

In accordance with the Supreme Court of Canada's judgement in *Tsilhqot'in Nation* (2014), and the signing of the *Nenqay Deni Accord* (2016) and *Gwet'sen Nilt'i Pathway Agreement* (2019); the Tsilhqot'in Nation continues to maintain communication with proponents, province and federal government with respect to providing input towards the incorporation of UNDRIP into these processes.

In closing, if any further questions or answers are needed, please feel free to contact Trina Setah, Mining, Oil and Gas Coordinator.

Website: [Mining, Oil & Gas – Tsilhqot'in National Government | TNG \(tsilhqotin.ca\)](http://Mining, Oil & Gas – Tsilhqot'in National Government | TNG (tsilhqotin.ca))

Sechanalyagh (Thank You),

[REDACTED]
[REDACTED]

- 1. Damage Prevention Topic Paper – Recommendations:** Establish a depth of cover monitoring program that ensures compliance and environmental protection, with enhanced participation from First Nations
 - Develop a revised definition of "ground disturbance" in collaboration with First Nations to include culturally significant sites.
 - Provide sustainable funding for Indigenous-led monitoring, training, and compliance efforts.
 - Implement real-time data sharing and reporting mechanisms to enhance transparency and accessibility.
 - Strengthen protection measures for sacred and ecologically sensitive areas within depth of cover regulations.

- 2. Deactivation and End of Lifecycle Topic Paper – Recommendations**
 - Ensure First Nations have decision-making authority in deactivation and reclamation processes.
 - Mandate full access to operational and environmental data related to decommissioned pipelines.
 - Secure financial commitments from pipeline operators for long-term site monitoring and remediation.
 - Incorporate Indigenous-led environmental restoration strategies into deactivation policies.
 - Establish legally enforceable mechanisms requiring pipeline operators to restore lands impacted by decommissioned infrastructure.

- 3. Emergency Management Topic Paper – Recommendations**
 - Mandate First Nations involvement in emergency planning, response, and decision-making.
 - Require the protection of culturally significant sites in emergency response protocols.
 - Ensure timely, mandatory notification to First Nations for all CER-reportable incidents.
 - Provide sustainable funding for First Nations emergency response training and infrastructure.
 - Enhance data-sharing mechanisms to ensure First Nations have access to real-time emergency information.
 - Conduct mandatory joint emergency response drills with First Nations participation.

- 4. Environmental Protection Topic Paper – Recommendations**
 - Mandate First Nations notification when contamination is reported to the CER.
 - Require First Nations participation in environmental monitoring programs.
 - Ensure reclamation efforts restore culturally significant ecosystems and traditional land use areas.
 - Develop First Nations-led climate resiliency assessments to address pipeline risks related to climate change.
 - Provide sustainable funding for First Nations participation in environmental protection initiatives.

- 5. Human and Organizational Factors (HOF) Topic Paper – Recommendations**
 - Require integration of Traditional Knowledge in workplace hazard assessments.
 - Eliminate cultural bias in HOF frameworks through First Nations consultation.
 - Mandate First Nations involvement in incident investigations and performance reviews.
 - Ensure cultural competency training for pipeline staff on Indigenous governance and decision-making.
 - Establish dedicated funding for First Nations-led safety initiatives.
 - Improve transparency in regulatory oversight and safety data-sharing with First Nations.

- 6. Management System and Contractor Management Topic Paper - Recommendations**
 - Require integration of First Nations governance structures in corporate management systems.
 - Mandate First Nations participation in contractor selection, evaluation, and oversight.
 - Ensure contractors undergo mandatory cultural awareness and environmental protection training
 - Establish joint oversight committees to monitor compliance and conduct audits
 - Enhance data transparency by providing First Nations with access to compliance reports.

- Provide sustainable funding for First Nations participation in regulatory and monitoring activities.

7. Pipeline Integrity Topic Paper – Recommendations

- Expand the definition of onshore pipelines to include methanol and ammonia.
- Require First Nations approval for new, untested pipeline technologies.
- Establish First Nations-led geohazard monitoring programs.
- Strengthen storage facility/pump station oversight and spill containment measures.
- Secure long-term funding for First Nations oversight in pipeline integrity management.

8. Reporting Harm Topic Paper - Recommendations

- Broaden the definition of reportable incidents to include cumulative harm and cultural impacts.
- Mandate site protections and advance consultation before any activities occur near Sites of Significant Interest
- Require reporting of non-chemical environmental disturbances that impact land, wildlife, and First Nations traditional use areas.
- Implement real-time notification protocols when pipeline operators lose control of infrastructure.
- Enforce reporting requirements for high-potential near misses to improve long-term risk mitigation.
- Ensure full transparency and data access for First Nations regarding incident reporting and regulatory decisions.
- Secure long-term funding for First Nations participation in environmental oversight and harm reporting.

9. Rights and Interests of Indigenous Peoples, Socio-Economic Effects, and Engagement Topic Paper – Recommendations

- Establish a legally binding First Nations Rights Protection Framework to ensure Indigenous governance and legal orders are recognized within pipeline regulations.
- Mandate Nation-to-Nation consultation agreements that are enforceable under CER regulations.
- Require revenue-sharing agreements that guarantee First Nations benefit equitably from pipeline projects.
- Ensure First Nations equity participation options in pipeline projects to support economic self-determination.
- Introduce independent First Nations monitoring teams with formal oversight authority on compliance matters.
- Implement strong enforcement mechanisms with escalating penalties, including permit suspensions for repeat violations.
- Require full public disclosure of compliance records to increase transparency and corporate accountability.

10. Safety Topic Paper – Recommendations

- Mandate First Nations participation in all pipeline safety inspections and monitoring programs.
- Require real-time leak detection systems with First Nations access to monitoring data.
- Enforce stricter oversight and maintenance requirements for aging pipelines.
- Establish long-term safety monitoring programs for abandoned pipelines.
- Formalize First Nations roles in emergency response planning and real-time incident reporting
- Increase transparency in pipeline safety performance and risk assessments.

11. Filing Manual: Environmental and Socio-Economic Assessment Topic Paper – Recommendations

- Mandate First Nations-led environmental and socio-economic impact assessments.
- Require pipeline companies to commit to long-term community investment agreements.
- Ensure cumulative effects assessments evaluate regional and long-term impacts, including climate change considerations.
- Establish First Nations oversight committees to monitor compliance with ESA commitments.

- Improve transparency and accessibility of ESA reporting to impacted First Nations.
- Implement a standardized significance framework that integrates First Nations perspectives.
- Ensure First Nations participation in selecting Valued Components for assessment.
- Require First Nations-led compliance monitoring to ensure ESA commitments are upheld.

12. Filing Manual: Lands Topic Paper – Recommendations

- Require legally binding First Nations consultation in all Crown land allocation processes.
- Ensure land agreements include enforceable commitments to First Nations land access and environmental protection.
- Establish First Nations-led land monitoring committees to oversee compliance with land use agreements.
- Adopt Indigenous-led land valuation frameworks for compensation models to reflect cultural and environmental impacts.
- Implement formal dispute resolution mechanisms to protect First Nations land rights and interests.
- Ensure Crown land use aligns with Free, Prior, and Informed Consent (FPIC) principles under UNDRIP.
- Prevent forced land surrenders or expropriation of Crown land without First Nations' full consent.

13. NEW: Heritage Resources Management in Practice on CER-Regulated Projects – Recommendations

- Require early and meaningful First Nations engagement in heritage assessments and mitigation planning.
- Integrate First Nations permitting systems into the regulatory framework to recognize First Nations' authority in heritage resource management.
- Establish and fund First Nations-led monitoring programs to ensure ongoing compliance with heritage protection measures.
- Mandate cultural awareness training for all project personnel and contractors to promote heritage resource sensitivity.
- Develop standardized regulatory guidance to ensure clear and consistent engagement protocols, consultation timelines, and reporting mechanisms.
- Strengthen compliance mechanisms by introducing stricter penalties for non-compliance to enhance accountability.
- Provide dedicated funding and resources to support First Nations' capacity in heritage resource management, enabling active participation in regulatory and monitoring processes.