



BEAVER FIRST NATION

Box 270, High Level, Alberta, T0H 1Z0

PH 780 927 3544 Fax 780 927 4064

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Canadian Energy Regulator

Email: rppr@cer-rec.gc.ca

Dear CER,

Re: Beaver First Nation Comments on the CER's Rules of Practice and Procedure Review

Please find below the Beaver First Nation's comments on the CER's Rules of Practice and Procedure Review.

Question #	CER Question	Beaver First Nation Comments
1	Are there specific process steps for cost apportionment applications that you would like to see made mandatory through the Rules?	Yes, Beaver First Nation should be engaged on apportionment applications and the CER should provide funding for this engagement.
2	Are there specific process steps for compensation applications that you would like to see made mandatory through the Rules?	First Nations should be engaged on compensation applications and First Nations should be compensated for the loss of use of areas no longer available for the exercise of constitutionally protected Section 35 (1) rights.
3	Do you have feedback regarding how the Rules could incorporate process steps for providing and protecting Indigenous knowledge within hearings?	Indigenous knowledge should be protected by being marked as "Confidential" unless stated otherwise. Hearings located in First Nations would allow for Indigenous Knowledge to be presented in a more comfortable setting.

As Long as The Sun Shines, The Grass Grows and the Rivers Flow



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4	Would you like to see the role of the Crown Consultation Coordinator, and the nature of its participation in Commission hearings reflected in the Rules? If so, how?	Yes, the Crown Consultation Coordinator's role should be to ensure reconciliation with First Nations and that all First Nation concerns are addressed and mitigated or accommodated prior to completion of the process.
5	Do you have other feedback related to how the Commission can align the Rules with the CER Act, including the objectives outlined in the Act's preamble, such as the commitment to Reconciliation, and the UN Declaration?	The Commission can align the Rules with the CER Act by ensuring Reconciliation with First Nations is at the forefront, along with the UN Declaration.
6	Do you have any suggested changes to the Rules to reflect hearings pursuant to the <i>Canada Oil and Gas Operations Act</i> or other legislation?	Yes, Reconciliation with First Nations needs to be incorporated into the <i>Canada Oil and Gas Operations Act</i> and other legislation.
7	Do you have feedback with regards to any timelines set in the Rules, additional timelines you would like to see added to the Rules, or the approach for computation of time (Rules, s. 5-7)?	Timelines are set knowing that FN's are under capacity and that with all the applications they receive it is likely they won't make the deadline. Deadlines should have flexible accommodation. Timelines should be in "Business Days".
8	Do you have feedback related to the notice of motion process or suggested changes to support efficiency? Do you have feedback on the use of oral notice of motion processes to support efficiency?	Early engagement with First Nations and often may be very important to help streamline the process. Engagement should be at the earliest stage of conversation, not after the plan is complete Yes, oral notice of motion processes may help with efficiency.
9	Do you have feedback on the current process for fixing costs related to detailed route hearings?	Beaver First Nation requires more information in relation to fixing costs for detailed route hearings.
10	Are there processes that you would like to see written into the Rules?	Processes that clearly show that First Nations concerns are mitigated or accommodated would be helpful. FN's concerns should be prioritized instead of the generic response we all hear "it will be taken into consideration"

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11	Do you have feedback regarding changes that could be made to the information request process to clarify its use and support efficiency?	The Information request process needs to provide sufficient time for First Nations to review and provide responses.
12	Can you identify of other regulators or tribunals that support efficiency and could inform the Commission's Review?	Understanding other Tribunals would be helpful, before providing comments.
13	Do you have other feedback related to how the Commission can update the Rules to enhance competitiveness through predictable and timely processes?	Early engagement and often with First Nations may help enhance competitiveness and streamline the process.
14	Do you have feedback regarding the modernization of requirements to allow for electronic filing and service in most instances?	Beaver First Nation believes that filing original hard copies may not be necessary, as long as the electronic filing is provided.
15	Do you have feedback regarding the potential removal of signature requirements in certain instances (e.g., physical signatures on applications and notice of motions)?	Physical signatures may not be necessary on all documents. Digital signatures could potentially be added.
16	Do you have feedback regarding removal of the current requirement for the company/applicant and the CER to have a hard copy of project applications on site for public inspection (Rules, s. 24)?	Hard Copies of project applications should be on site for public inspection This would help people without internet.
17	Do you have feedback regarding what type of notice publication requirements are appropriate in a digital age and where Commission approval is necessary?	All public hearings should be placed on CER's website and posted near the proposed Project location.
18	Do you have feedback related to how the Rules could better support accessibility to and throughout Commission processes?	The rules and associated guidance should be written so they are clear for everyone and may need to be translated into Beaver or Cree. Beaver First Nation would look to Canada to provide funding for this.

Question #	CER Question	Beaver First Nation Comments
19	Do you have other feedback on how the Commission can update the Rules to modernize practices and procedures?	The Rules must consider First Nation timelines for reviewing and responding to CER related Projects.
20	Is there other feedback or suggestions you have related to the Rules Review?	The Rules must consider First Nation timelines for reviewing and responding to CER related Projects.
21	Would you like to see guidance on any specific topic related to the Rules Review?	Guidance on the UN Declaration, Reconciliation with First Nations, and Tribunals would be helpful.

Sincerely,

Original Signed

Dustin Thacker, Consultation Consultant
 Beaver First Nation