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Canada Energy Regulator  
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**RE: Detailed Written Submission for the Rules of Practice and Procedure Review.**

Dear Members of the Review Panel,

On behalf of the Lakeland Métis Nation (LMN), I am pleased to submit our detailed written submission for the Rules of Practice and Procedure Review (Rules Review). This submission provides an in-depth analysis of areas where the rules should be reformed to ensure greater inclusivity, transparency, and recognition of Indigenous rights within the regulatory framework.

Our recommendations reflect the lived experiences and policy concerns of our Nation and are informed by traditional knowledge and engagement with community members. As a distinct and independent Métis Nation undergoing the Métis credible assertion process, LMN is committed to advocating for procedural rules that respect Indigenous governance structures and uphold the principles of free, prior, and informed consent as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

LMN believes that the Rules of Practice and Procedure should be adapted to ensure that Indigenous communities are meaningfully engaged in regulatory processes that affect their lands, resources, and rights. Our submission provides practical recommendations for improving accessibility, consultation processes, procedural flexibility, and recognition of Indigenous knowledge.

We appreciate the opportunity to contribute to this important review and look forward to continued engagement on these critical issues. Should you require any further information or clarification, we would be happy to discuss our recommendations in greater detail.

Sincerely,



Melina Power  
President & CEO  
Lakeland Métis Nation



## **1. Introduction**

The Lakeland Métis Nation (LMN) is a distinct and independent Métis organization with deep historical and cultural roots in the Lac La Biche region. As descendants of the earliest unions between French Canadian fur traders and Indigenous peoples, our Nation has maintained a strong connection to the land, upholding our cultural traditions, governance systems, and environmental stewardship practices for generations.

LMN is actively engaged in regulatory processes that impact land, water, and resource development in our traditional territories. However, through our participation, we have experienced firsthand the barriers that Indigenous communities face when navigating Canada's regulatory frameworks. These challenges stem from a lack of recognition of Indigenous rights, overly complex procedural requirements, limited consultation opportunities, and rigid regulatory structures that do not account for Indigenous governance systems or traditional knowledge.

This submission identifies key deficiencies in the current Rules of Practice and Procedure and provides recommendations for reform. Our goal is to promote an equitable, accessible, and culturally inclusive regulatory system that upholds the principles of free, prior, and informed consent (FPIC) and aligns with Section 35 of the Constitution Act, 1982 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

A just and fair regulatory framework must acknowledge the unique perspectives and legal traditions of Indigenous communities, ensuring they are equal partners in decision-making processes. By addressing the systemic barriers outlined in this submission, we can foster a more inclusive regulatory system that respects the inherent rights of Indigenous Nations while promoting sustainable development and environmental stewardship.

## **2. Background and Context**

### **2.1 Historical Context**

Métis communities have historically been marginalized in regulatory processes, resulting in policies and frameworks that often fail to fully recognize their rights, knowledge, and governance structures. Since the early 1800s, Métis people have played an integral role in Canada's fur trade economy, land-based economies, and resource management practices, yet their contributions and inherent rights were long overlooked in colonial governance structures.

The Lakeland Métis Nation (LMN) traces its ancestral roots to Métis families who established themselves in the Lac La Biche and Athabasca regions, maintaining their livelihoods through hunting, fishing, trapping, and trading. Over generations, LMN members have continued to practice their rights to the land, upholding their legal traditions and environmental stewardship responsibilities.

Despite this rich history, Métis communities have faced systemic exclusion from key regulatory and decision-making processes. Federal and provincial regulatory frameworks were historically designed without meaningful Métis participation, leading to policies that do not reflect Métis legal perspectives or traditional land-use practices. Furthermore, Métis rights were not formally



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recognized until the landmark Supreme Court decision in *R v. Powley* (2003), and even today, many regulatory bodies continue to overlook Métis jurisdiction in land and resource management.

The Lakeland Métis Nation asserts its Section 35 Aboriginal rights under the Constitution Act, 1982 and continues to advocate for regulatory processes that uphold Indigenous rights and governance. This includes seeking formal recognition under federal and provincial legal frameworks and ensuring that Métis participation in regulatory processes is meaningful, early, and ongoing.

Canada's commitment to UNDRIP and its principles of self-determination further underscores the need for regulatory reform. A truly inclusive framework must recognize and integrate Métis governance structures, traditional knowledge, and land stewardship practices, ensuring that Métis Nations are actively involved in shaping policies that impact their lands and communities.

## 2.2 Current Challenges

The current Rules of Practice and Procedure lack mechanisms for meaningful Indigenous participation, creating barriers that limit the ability of Indigenous communities to fully engage in regulatory processes. These challenges disproportionately affect Indigenous groups, whose traditional governance structures and legal systems are not adequately recognized within existing regulatory frameworks. Below are key concerns that highlight the need for reform:

**Complex Language and Accessibility:** The existing rules are written in technical legal language that can be difficult for Indigenous communities to interpret without specialized legal support. This complexity often prevents meaningful engagement, as many Indigenous organizations lack the financial and human resources required to navigate intricate procedural requirements.

**Lack of Recognition for Indigenous Rights and Knowledge:** The current framework does not explicitly acknowledge the rights of Indigenous peoples as enshrined in Section 35 of the Constitution Act, 1982 or align with international legal standards such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Additionally, traditional Indigenous knowledge—an invaluable component of environmental stewardship and resource management—is often overlooked in decision-making processes, despite its recognized importance in sustainable development and conservation efforts.

**Insufficient Consultation Mechanisms:** Although consultation is referenced in various regulatory processes, it is often treated as a procedural step rather than a substantive engagement effort. Indigenous communities are frequently engaged too late in the decision-making process, limiting their ability to influence outcomes. Moreover, consultation timelines are often too short for Indigenous groups to conduct meaningful internal discussions and ensure community voices are represented.

**Rigid Procedural Requirements:** The current rules impose strict procedural guidelines that do not consider the diversity of Indigenous governance systems or the logistical constraints many Indigenous communities face. Requirements for written submissions, public hearings, and legal documentation can be exclusionary, particularly for communities that rely on oral traditions or



have limited administrative resources. The lack of flexibility in participation options prevents full engagement and creates barriers to equitable involvement in regulatory processes.

Addressing these challenges is essential to fostering a regulatory system that is inclusive, equitable, and reflective of Indigenous rights and perspectives.

### 3. Detailed Recommendations

#### 3.1 Recognition of Indigenous Rights and Knowledge

Ensuring that Indigenous rights and traditional knowledge are meaningfully recognized within the Rules of Practice and Procedure is critical to fostering an equitable regulatory framework. The current rules do not adequately reflect the inherent rights of Indigenous peoples, particularly those of the Métis, as recognized under Section 35 of the Constitution Act, 1982 and international legal standards such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

- **Explicit Language on Indigenous Rights:** The revised rules must explicitly affirm Indigenous rights and the duty of regulatory bodies to uphold free, prior, and informed consent (FPIC) as a guiding principle in decision-making processes. This includes acknowledging Indigenous jurisdiction over lands and resources and requiring regulatory agencies to incorporate these rights into all procedural considerations.
- **Integration of Traditional Knowledge:** Indigenous traditional knowledge should be given the same weight as scientific and technical evidence in regulatory assessments. Establishing clear protocols for integrating Indigenous knowledge into environmental reviews, impact assessments, and decision-making will ensure that Métis cultural and ecological perspectives are not only considered but meaningfully applied. A co-developed framework between Indigenous Nations and regulatory bodies should be created to guide the collection, verification, and application of traditional knowledge.

#### 3.2 Improving Accessibility and Transparency

The complex language and procedural requirements in the current regulatory framework create significant barriers for Indigenous participation. Many Indigenous communities lack legal resources and technical expertise, making it difficult to engage effectively in regulatory proceedings. The following measures will improve accessibility and transparency:

- **Plain Language Requirements:** Regulatory documents should be rewritten in clear, plain language that is accessible to all stakeholders. Where possible, materials should also be translated into Indigenous languages to enhance comprehension and engagement.
- **Publicly Available Summaries and Guides:** The rules should mandate the creation of plain-language summaries and explanatory guides to help communities understand procedural steps, timelines, and expectations. This would include step-by-step instructions on participation and legal rights.
- **Clear Timelines and Expectations:** Transparency in timelines and procedural expectations is essential for fostering trust in the regulatory system. Indigenous



communities should be given adequate time to review proposals, consult with members, and submit responses. The revised rules should ensure that Indigenous participation is not rushed and that communities have sufficient resources to engage meaningfully.

### 3.3 Strengthening Consultation Mechanisms

Consultation with Indigenous communities is often treated as a procedural formality rather than a meaningful engagement process. Current consultation efforts frequently occur too late, limiting Indigenous communities' ability to influence outcomes before key decisions are made. The following recommendations will improve consultation mechanisms:

- **Early and Proactive Engagement:** The revised rules should mandate early and proactive consultation with Indigenous communities before project proposals are finalized. Indigenous communities must be included from the initial planning stages, ensuring that their concerns and perspectives are considered before key regulatory decisions are made.
- **Establishment of Indigenous Advisory Committees:** Formal Indigenous advisory committees should be integrated into regulatory decision-making. These committees should include Métis leaders, Elders, and knowledge holders, ensuring that Indigenous perspectives are represented at all stages of the review process.
- **Co-Development of Consultation Protocols:** Indigenous Nations should have the autonomy to develop their own consultation protocols in collaboration with regulatory agencies. These protocols should reflect culturally appropriate engagement methods, including community-led meetings, oral testimony, and land-based consultations.

### 3.4 Procedural Flexibility and Adaptability

Current regulatory procedures do not accommodate the diversity of Indigenous governance structures, legal traditions, or cultural practices. The rules should be revised to allow for greater procedural flexibility to ensure Indigenous participation is meaningful and respectful of Métis ways of knowing and decision-making.

- **Culturally Relevant Dispute Resolution Mechanisms:** Indigenous dispute resolution processes, such as Elders' councils, community-based mediation, and land-based reconciliation practices, should be recognized and incorporated as alternative dispute resolution mechanisms within the regulatory framework.
- **Adaptive Processes for Different Legal Traditions:** The rules should allow for adaptive legal processes that acknowledge and respect Indigenous legal traditions. Métis governance structures and decision-making customs should be formally recognized in regulatory hearings and processes.
- **Flexible Participation Options:** The rigid procedural requirements for participation in hearings and consultations create barriers for Indigenous communities. The revised rules should allow for multiple participation options, including oral submissions, video recordings, community-led reports, and virtual engagement options to ensure accessibility for all community members.



By implementing these recommendations, the Rules of Practice and Procedure can become more inclusive, equitable, and reflective of the rights and governance systems of Indigenous Nations.

## **4. Implementation and Monitoring**

Ensuring that the revised Rules of Practice and Procedure are effectively implemented and continuously improved requires a robust oversight framework that includes Indigenous leadership, structured review processes, and pilot projects to refine consultation mechanisms. The following recommendations aim to foster accountability, transparency, and adaptability in the implementation of regulatory processes affecting Indigenous communities.

### **4.1 Independent Indigenous Oversight**

An Independent Indigenous Oversight Body should be established to monitor the implementation of the revised rules and ensure that they align with Indigenous rights and governance systems. This body should:

- Consist of Métis, First Nations, and Inuit representatives, including Elders, knowledge holders, legal experts, and community leaders.
- Be tasked with reviewing compliance with Indigenous consultation requirements and the proper integration of Indigenous knowledge into regulatory decision-making.
- Provide recommendations and corrective actions if agencies or proponents fail to meet consultation obligations.
- Work in collaboration with federal and provincial regulators to develop best practices for Indigenous engagement.

By ensuring Indigenous representation in regulatory oversight, this body will help address gaps in implementation and hold decision-makers accountable to the commitments outlined in the revised rules.

### **4.2 Periodic Review and Reporting**

A structured and transparent review process should be established to evaluate the effectiveness of the revised rules over time, ensuring that they remain responsive to Indigenous concerns and evolving regulatory needs. This review process should:

- Require regular assessments (e.g., every three to five years) to measure how well the revised rules have been implemented.
- Mandate public reporting, ensuring that Indigenous communities have access to clear and detailed summaries of regulatory compliance and outcomes.
- Include feedback mechanisms that allow Indigenous communities to report concerns, suggest improvements, and propose amendments to procedural rules.



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- Require government and industry proponents to submit Indigenous engagement reports, detailing how they have fulfilled their consultation obligations and integrated Indigenous perspectives into decision-making.

By implementing mandatory reviews and transparent reporting, this approach will help track progress, identify deficiencies, and ensure continuous improvements in Indigenous participation within regulatory frameworks.

#### **4.3 Pilot Projects for Innovative Consultation Methods**

Recognizing that existing consultation methods often fail to meet Indigenous expectations or realities, pilot projects should be introduced to test and refine innovative approaches to consultation and participation. These projects should:

- Focus on community-led engagement models, ensuring that consultation methods align with Indigenous governance structures and traditional decision-making processes.
- Explore alternative participation methods, such as oral testimony, land-based consultation, virtual engagement, and Indigenous-led impact assessments.
- Test new regulatory tools that enhance Indigenous participation, such as co-management agreements, Indigenous regulatory liaisons, or dedicated consultation funding mechanisms.
- Include ongoing evaluation to determine which methods are most effective and scalable, ensuring that successful approaches are adopted into permanent regulatory procedures.

By implementing pilot projects as a means of testing and refining consultation practices, regulators can develop more effective and culturally appropriate mechanisms that enhance Indigenous participation and decision-making.

### **5. Conclusion**

The Lakeland Métis Nation (LMN) is deeply committed to advancing Indigenous rights and ensuring that regulatory frameworks uphold the fundamental principles of justice, equity, and transparency. The current Rules of Practice and Procedure must be reformed to reflect meaningful Indigenous participation, respect for traditional knowledge, and the recognition of Métis governance systems. The revision of these rules presents an opportunity to address historical and systemic barriers that have excluded Indigenous communities from regulatory decision-making processes that directly impact their lands, resources, and way of life.

We strongly urge the Review Panel to adopt the recommendations outlined in this submission to enhance accessibility, consultation, procedural flexibility, and Indigenous oversight. These changes are essential to aligning regulatory practices with constitutional and international legal standards, including Section 35 of the Constitution Act, 1982 and the United Nations Declaration



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on the Rights of Indigenous Peoples (UNDRIP). By implementing these recommendations, the CER can set a precedent for an inclusive, culturally relevant, and accountable regulatory framework that truly respects Indigenous rights and governance structures.

We appreciate the opportunity to contribute to this important review process and look forward to continued engagement in the development of a more inclusive and effective regulatory system. The Lakeland Métis Nation remains available for further discussions, collaborations, or clarifications to support the successful integration of these recommendations into the revised rules. We hope that this submission serves as a valuable resource in shaping a regulatory framework that is fair, accessible, and representative of Indigenous communities across Canada.

We thank the Review Panel for their time, consideration, and commitment to improving the Rules of Practice and Procedure to better reflect the rights, values, and knowledge of Indigenous peoples.