Onshore Pipeline Regulations Review – Discussion Paper

Responses and Input on the OPR Review Discussion Paper by
the Nakcowinewak Nation of Canada, A fellowship of Aboriginal Peoples

Background
The Nakcowinewak Nation of Canada, A Fellowship of Aboriginal Peoples, is comprised of members of the Nakcowinewak Nation, are a group of Indigenous people whose traditional territory comprises the foothills of Alberta and into the Saskatchewan prairies.

This Nation has not and will never sign any Treaties with governments ceding land or indigenous rights and has retained many aspects of their culture and way of life to date. As such, the Nation does not receive their budgets from any federal ministry. Also, some of the Elders and members of the Nakcowinewak Nation still do not speak English. They were living in their traditional ways in the foothills, remaining hidden because of the onset of the residential school systems and settlement of non-indigenous peoples.

Nakcowinewak Nation has built some great relationships with some proponents in the oil and gas industry, which continue to benefit the nation. But, because Nakcowinewak Nation members are designated as 'non-status', some industry does not consult or refuses to work with Nakcowinewak on the basis of this non-status designation, despite the cultural continuity of Nakcowinewak since time immemorial. Two unmarked gravesites & one ceremonial structure have been disrupted due to some pipeline industry companies taking this position of non-compliance with consultation interests.

For the purposes of participating in this discussion, Elders of Nakcowinewak Nation were glad to be asked their opinions on the Onshore Pipeline Regulations Review. These Elders were consulted on an individual basis at their own residences. The questions were explained and translated to these members in their Anishnabe-Saulteaux Ojibway Cree language. Their input and feedback, if any, was written in English and are as below.

Questions from the OPR Review Discussion Paper & Feedback
1) How can the OPR contribute to the advancement of Reconciliation w/ Indigenous peoples?
   ▪ There are opportunities for co-management in each traditional territory regarding pipeline oversight.

2) How can the OPR contribute to the protection of heritage resources on a pipeline RoW?
- Indigenous peoples can be invited that have an interest in the area & heritage resources to protect them.

3) How can the OPR contribute to the protection of traditional land and resource use, and sites of significance for Indigenous peoples on a pipeline right-of-way, during construction and operations and maintenance activities?
- Invite Indigenous people that have an interest in the area with regard to exercising indigenous rights & resource use and let them see those stages of the Project.

4) How can the use of Indigenous knowledge be addressed in the OPR?
- Indigenous knowledge differs across Canada. Some people share their knowledge more openly than others, so some don't share their indigenous knowledge. For those who do, offerings should be provided like tobacco and gifts to seek Indigenous knowledge of the people of a particular traditional territory where the Project might happen.

5) How can the OPR address the participation of Indigenous peoples in pipeline oversight?
- Before, during & after construction, visits should happen, to see how plants grow back after being destroyed within an indigenous monitoring program.

6) How can the OPR support collaborative interaction between companies and those who live and work near pipelines?
- Notifications of Project applications & ongoing consultation is sufficient.

7) How could communication and engagement requirements in the OPR be improved?
- It can be improved with in-person meetings, online meetings and telephone calls to review projects & planning for emergencies.

8) How could the CER improve transparency through the OPR?
- Emails & phone calls about indigenous input.

9) How can the OPR be improved to address changing pipeline use and pipeline status?
- Regarding changing pipelines use – new application process considered with assessments. Regarding changing pipeline status application system is sufficient.

10) What further clarification, in either the OPR, or in guidance, would support company interpretation and implementation of management system requirements?
- Company interpretation can be likely be improved by a workshop presentation on management systems which is focused on clarifying the requirements.

11) How should information about human and organizational factors, including how they can be integrated into a company's management system, for both

employees and contractors, be provided in the OPR, and/or described in related guidance?

- Maybe reference materials could be provided, like those from the CSA, in addition to workshops being offered.

12) How can the OPR improve the connection between company safety manuals and the overarching Safety Management Program, for both employees and contractors?

- The regulations could require companies to submit copies of company safety manuals, in addition to developing a Saftey Management Program.

13) How can respect and personal workplace safety be assured at CER regulated sites?

- The CER could continue issuing letters to companies reminding them of their legal obligations of conduct in the field.

14) How should the CER be more explicit about requirements for contractor management?

- The CER could issue reminder letters to companies explicitly reminding them of the requirements for contractor management.

15) How can the CER drive further improvement to the environmental performance of regulated companies?

- The CER could issue reminder letters during the Project phases.

16) How can the connection between the Environmental Protection Plan, specific to an individual pipeline, and the company's Environmental Protection Plan, specific to an individual pipeline, and the company's Environmental Protection Program, designed for a company's pipeline system, be improved?

- Do a clean up

17) How can contaminated site management requirements be further clarified, in the OPR or in guidance?

- Make sure the plan & the program are consisten & updated accordingly.

18) Are there any matters related to the Emergency Management Program in the OPR that require clarification? If so, what are they? Are there any matters for which further guidance is required?

- Give copies of your guide & update the guide regularly if needed.

19) How could the requirement for a Quality Assurance Program be improved or clarified in the OPR?

20) How can the OPR incorporate the key issues identified in the Safety Advisory regarding the strength of steel and the relative strength of the weld area?

- The OPR is doing good and promotes safe products.

21) What are your recommendations for compliance promotion at the CER?

- Expectations for compliance can sometimes leave room for error. The CER should make sure the steel strength is tested for compliance.

22) What are your reccomendations for compliance promotion at the CER?

- We would suggest that companies are reminded of the ramifications or penalties for non-compliance in a workshop or letter.

23) How do you want to be engaged by the CER in the development of technical guidance?
- Make the technical guidance translatable and simple through phone calls and emails.