



## **BINGWI NEYAASHI ANISHINAABEK**

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# **Onshore Pipeline Regulations Review Discussion Paper Bingwi Neyaashi Anishinaabek Comments**

Bingwi Neyaashi Anishinaabek (BNA) First Nation is an Ojibway community located on the southeast shores of Lake Nipigon. BNA received its Order-in-Council for its land base in 2010 after decades of displacement at the hands of the provincial and federal governments. Since that time, BNA has been actively participating in important regional and national discussions which are of importance to BNA, working on developing its First Nation reserve lands for the return of its membership. Please find below the questions posed in the Canadian Energy Regulator (CER) review document and BNAs responses in [blue](#).

1. What's working well in relation to the Onshore Pipeline Regulations (OPR), and its implementation, and what could be improved?

[BNA has no comment for this question.](#)

2. How can the OPR contribute to the advancement of Reconciliation with Indigenous peoples?

[BNA's comments for this question are related to the Indigenous Advisory Committee \(IAC\).](#)

[I did not see traditional foods included in what this committee provides advice to. Is this covered by them?](#)

[Why does this committee not provide advice on specific projects? It might be good to include this for exceptionally large and/or high-risk projects.](#)

[I saw that the IAC has nine First Nation committee members. Are there any plans to have more Members or even sub committees by region in order to have greater First Nation representation?](#)

3. How can the OPR contribute to the protection of heritage resources on a pipeline right-of-way during construction, and operations and maintenance activities?

[BNA would like to see First Nation's included and properly consulted throughout the entire project, starting with the initial planning stages. Not when the project is figured out and fully planned.](#)

4. 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?

[BNA would like to see First Nation's included and properly consulted throughout the entire project, starting with the initial planning stages. Not when the project is figured out and fully planned.](#)

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5. How can the use of Indigenous knowledge be addressed in the OPR?

Set up a protected database which all First Nations can contribute to. In order to give each one an opportunity to contribute. Then take this information into account when project planning.

6. How can the OPR address the participation of Indigenous peoples in pipeline oversight?

How many Indigenous inspectors are there? Are there enough?

7. How can the OPR support collaborative interaction between companies and those who live and work near pipelines?

The OPR can fund capacity building for persons living or working near pipelines. In order to have productive and meaningful interactions.

8. How could communication and engagement requirements in the OPR be improved?

The OPR should require that every company should have a reviewed and approved communication and engagement protocol in place.

9. How could the CER improve transparency through the OPR?

How was the strategic plan created? Was it created with First Nation input? Incorporating First Nations with this process would increase transparency.

10. Gender and other intersecting identity factors may influence how people experience policies and initiatives. What should the CER consider with respect to:

- a. those people implementing the OPR; or
- b. those people who are impacted by the operational activities addressed in the OPR?

Are the persons implementing the OPR gender diverse? This may be something to make sure is incorporated, so that all viewpoints are taken into account.

11. How can the OPR support a predictable and timely regulatory system that contributes to Canada's global competitiveness?

BNA has no comment for this question.

12. How can the OPR support innovation, and the development and use of new technologies or best practices?

BNA has no comment for this question.

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13. What company-specific or industry-wide performance metrics could the CER consider to support enhanced oversight and transparency for CER-regulated facilities?

BNA has no comment for this question.

14. Are there opportunities within the OPR for data and digital innovation that could be used by the CER and by companies regulated by the CER?

BNA has no comment for this question.

15. How can the OPR be improved to address changing pipeline use and pipeline status?

The OPR can make sure that First Nations in the region of the “change” are properly consulted.

16. What further clarification, in either the OPR (e.g. structure or content), or in guidance, would support company interpretation and implementation of management system requirements?

Were First Nations consulted when the “Guide for management system requirements with a protocol for conducting management system audits” was developed? If not it would be useful to include them.

17. 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?

BNA has no comment for this question.

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

BNA has no comment for this question.

19. How can respect and personal workplace safety be assured at CER regulated sites?

BNA has no comment for this question.

20. How should the CER be more explicit about requirements for contractor management?

BNA has no comment for this question.

21. How should the OPR include more explicit requirements for process safety?

The OPR should have their process safety requirements reviewed by industry experts to ensure that the requirements are sufficient.

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22. How can the OPR drive further improvement to the environmental performance of regulated companies?

BNA has no comment for this question.

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

The Environmental Protection Plan should be independently reviewed by a third party to ensure that it is sufficient.

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

BNA has no comment for this question.

25. 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?

BNA has no comment for this question.

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

BNA has no comment for this question.

27. 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?

BNA has no comment for this question.

28. What are your recommendations for compliance promotion at the CER?

That companies are rewarded for good performance. Not just penalized for poor performance.

29. How do you want to be engaged by the CER in the development of technical guidance?

BNA would like to be engaged regularly in a culturally appropriate manner.

BNA thanks the CER for this opportunity to participate in this discussion paper which reviews the OPR. Please feel free to contact [REDACTED] at [REDACTED] if you have further questions or would like any information provided here clarified.

Regards  
Bingwi Neyaashi Anishinaabek