

# STURGEON LAKE CREE NATION



## STURGEON LAKE CREE NATION ONSHORE PIPELINE REGULATIONS REVIEW

June 17, 2022

### OVERVIEW

#### 1. Project Background and Description

**i** *The Canada Energy Regulator*

*The OPR Review will build on learnings from years of implementing the OPR, and feedback from Indigenous peoples, regulated companies, landowners and other stakeholders. The review will address all areas of the OPR and may result in changes to other parts of the CER's regulatory framework including regulatory documents and guidance such as the CER's Filing Manual. The regulation-making authority for the OPR in the CER Act provides that the Regulator may make the regulation, with the approval of the Governor in Council (CER Act section 96). Within the Regulator, it is the CER's Board of Directors that approves the regulation, after engagement is conducted by CER employees, in collaboration with the Commission and with the advice of the Indigenous Advisory Committee.*

#### 2. Project Scope

**i** *The OPR requires that a management system:*

- be clear;*
- have good documentation and be understood by all employees, at all levels;*
- apply to all areas of work and include every regulated activity conducted by the company; and*
- be proactive, able to anticipate issues and adjust course*

#### 3. Review comments

**i** *The following sections are the responses to the Onshore Pipeline Review provided by Sturgeon Lake Cree Nation, Environmental Technician, Elder/Traditional Knowledge Holder.*

## 4. Section 1. OPR- Lessons Learned

**i** *What's working well in relation to the OPR and its implementation and what could be improved?*

- **Sturgeon Lake Cree Nation comment:** A Traditional approach to consultation with Indigenous Communities should start from the planning stage. Where is the oral history is, and how it connects to the land that projects are being planned on, To understand why the is important and how your project will have impacts to the communities directly, and why. Develop a scope of opportunities that can be given to the indigenous communities.

## 5. Section 2. Reconciliation with Indigenous Peoples

**i** *Working Differently: How can the OPR contribute to the advancement of the Reconciliation with Indigenous peoples?*

- **Sturgeon Lake Cree Nation comment:** Have Indigenous communities be apart of all aspects, by contracting Environmental Technicians for the pre-construction work, the inclusion of the local communities to utilize any and all contract options first as it is their Traditional Lands projects are going on. They first and foremost know which areas are to be carefully planned around.

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

- **Sturgeon Lake Cree Nation comment:** Ensure contractors (Indigenous and non-indigenous peoples) are aware protocol. Approach the Leadership in the area with engagement and Traditional Land Use studies that appeal to the cumulative and terrestrial effects that are impacted by large projects. Give the Indigenous communities a chance to be the “boots” on the ground, within their TLU area.

**Traditional Land and Resource Use and Sites of Significance for Indigenous Peoples:** *How can the OPR contribute to the protection of traditional land and resource use, and sites of significance on a pipeline right-of-way, during construction, and operations and maintenance activities?*

- **Sturgeon Lake Cree Nation comment:** By engaging with Indigenous communities from the planning of pre-construction this would give opportunity for each Indigenous community create a base line “contract guide” that can outline the plans and places of significance. This can encourage the use of Traditional knowledge while creating jobs for local communities. **Indigenous Knowledge:** *How can the use of Indigenous knowledge be addressed in the OPR?*
- **Sturgeon Lake Cree Nation comment:** By implementing and creating awareness to all those who will be contracting for the projects. Not just land recognition but there are safety orientations based on just Indigenous education that should be mandatory for all employees to take. Always be consciences of the land you are about to start a project on. These indigenous communities support both hereditary ties to this ancestral land but it is also the oral history ties the Indigenous Communities of today to the land that most have been on for no less than 8 generations. A suggestion to accomplish this would be through engagement with communities, land guardians and land users, trappers.

**Involvement of Indigenous peoples in the pipeline oversight:** *How can the OPR address the participation of Indigenous peoples in pipeline oversight?*

- **Sturgeon Lake Cree Nation comment:** While Pre-Construction planning is starting, create opportunity for environmentally but traditional knowledge holders complete Traditional land and resource studies. Encourage Alberta or BC culture and heritage to be on location to record these historical sites for each (or those involved communities) this helps to create mitigation measures way before any construction plans are in place. Identify sites of significance early into any project by contracting land users out to complete and assist with Pre-Construction assessments. Give opportunities to local communities this will assist and get members of these nations on land implementing their own Cultural Protection Plan along the project to assist with avoidance during construction so any sites of significance are saved for generations to come. Have these same communities be on location during construction monitoring projects ensure these locations of significance are protected. Then when the project is over they do a complete and final sweep to record the protection plan is working. After one or two years, when vegetation returns, have the

indigenous communities return to create a cumulative impact study to record any and all animal activity, to see if there are traditional vegetation returning.

## 6. Section 3. Engagement and Inclusive Participation

**i** **Planning for Pipeline and Related Company Activities:** *How can the OPR support collaborative interaction between companies and those who live and work near pipelines?*

**Sturgeon Lake Cree Nation comment:** Give Indigenous communities a separate opportunity to collaborate work with the larger projects, jobs communities are able to part take in. For SLCN we have security, logging, pipeline workers. Offer environmental indigenous led training.

**Proactive communication and Engagement:** *How could communication and engagement requirements in the OPR be improved?*

**Sturgeon Lake Cree Nation comment:** Protocol and Leadership guidance from communities, have this involvement based on Indigenous knowledge. Realize most communities before settlers came, we were nomadic so it is not just pertaining to one place, sometimes not even once province. Make all contractors aware of protocol and procedures.

**Trust and confidence:** *How could the CER improve transparency through the OPR?*

**Sturgeon Lake Cree Nation comment:** Acknowledgment of our traditional ways, protocol and historical respect of not just the land but what we as indigenous communities utilize the land for. It is not just a plant, a camp site or water. Everything has a spirit.

**Gender-based Analysis Plus (GBA plus):** *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?*

**Sturgeon Lake Cree Nation comment:** *To have adequate support for that incorporates GBA plus knowledge with training videos, proper way to address individuals and sexual bias restrictions on site. (I personally get tired of being called "Sweetheart or cupcake" at work)*

## 7. Section 4. Global Competitiveness

**i** **Predictable and timely regulatory oversight:** *How can the OPR support a predictable and timely regulatory system that contributes to the Canada's global competitiveness?*

**Sturgeon Lake Cree Nation comment:** n/a

**Innovation and Flexibility:** *How can the OPR support innovation, and the development and use of new technologies or best practices?*

**Sturgeon Lake Cree Nation comment:** Continuing to find new green ways to recycle and reuse water during production. Find greener initiatives that support the reduction of omissions

**Data and Digital Innovation:**

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

**Sturgeon Lake Cree Nation comment:** *Providing lidar over views of projects using ALCES programs to show cumulative impacts and environmental assessments of the loss of land to the project would bring to the first nations, show how they can improve this process with consultation and engagement by creating mitigation early into projects.*

*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?*

**Sturgeon Lake Cree Nation comment:** N/A

**Change in Pipeline Use and Status:** *How can the OPR be improved to address changing pipeline use and pipeline status?*

**Sturgeon Lake Cree Nation comment:** *Providing impact assessments throughout the entire project. Explain that the carbon foot print is not minimized but mitigated and that when the "project" is complete there be Indigenous monitors that facilitate the checking on these locations during the pipeline status.*

## 8. Section 5. Safety and Environmental Protection

**i** **Management Systems:** *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?*

**Sturgeon Lake Cree Nation comment:** *Be mindful of those in the company, there is a melting pot of employees that all face certain transgressions in the work place. Some are based on gender bias, some are on race. To ensure equality is implemented throughout the projects. In camp and on location.*

**Human and Organizational Factors:** *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?*

**Sturgeon Lake Cree Nation comment:**

**Programs and Plans for Safety:** *How can the OPR improve the connection between company safety manuals and the overarching Safety Management program, for both employees and contractors?*

**Sturgeon Lake Cree Nation comment:**

**Respect and Workplace Safety:** *How can respect and personal workplace safety be assured at CER regulated sites?*

**Sturgeon Lake Cree Nation comment:**

**Contractor Management:** *How should the CER be more explicit about requirements for contractor management?*

**Sturgeon Lake Cree Nation comment:**

**Process Safety:** *How should the OPR include more explicit requirements for process safety?*

**Sturgeon Lake Cree Nation comment:**

**Programs and Plans for Environmental Protection:**

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

**Sturgeon Lake Cree Nation comment:** *Provide full impact assessments for projects, create plans that implement the protection of cumulative effects and take a wide range of impacts such as species at risk, HRV locations and traditional areas for indigenous communities.*

*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?*

**Sturgeon Lake Cree Nation comment:** Environmental Protection Plans can use the long term impacts on cumulative effects. Would give a broader scope of what impacts would occur, how the company plans to mitigate and how reclamation would assist with lessening these impacts.

***Management of contaminated Sites:*** How can contaminated site management requirements be further clarified, in the OPR or in guidance?

**Sturgeon Lake Cree Nation comment:** By creating full detailed waste descriptions, mitigations that outline any and all occurrences that may happen and how CER plans to implement protection to Impact assessment's for First Nation/Indigenous communities.

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

**Sturgeon Lake Cree Nation comment:** n/a

***Quality Assurance for Pipeline Materials:*** How could the requirement for a Quality Assurance Program be improved or clarified in the OPR?

**Sturgeon Lake Cree Nation comment:** N/A

***Strength of Steel Pipe Relative to Welds:*** 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?

**Sturgeon Lake Cree Nation comment:** N/A

## 9. Section 6. Implementation Objectives.

**i** ***Provide a Compliance Promotion Function:*** What are your recommendations for compliance promotion at the CER?

**Sturgeon Lake Cree Nation comment:** Have indigenous communities, leadership and in our territory, it would be the Treaty 8 Alliance apart of the regulatory reviews.

***Support the Regulations with Technical Guidance:*** How do you want to be engaged by the CER in the development of technical guidance?

**Sturgeon Lake Cree Nation comment:** I would like my community to be offered an opportunity to be apart of an Indigenous Cultural based committee that would of the planning of projects. This committee would be lead of contacting indigenous communities to provide capacity to engage on a "traditional land base study" while pre construction is being done.