



Canada Energy
Regulator

Régie de l'énergie
du Canada

Indigenous / CER Leadership Meetings

Advancing the Co-development of the NGTL System-wide Indigenous Collaborative Mechanism

Engagement Summary Report 2023





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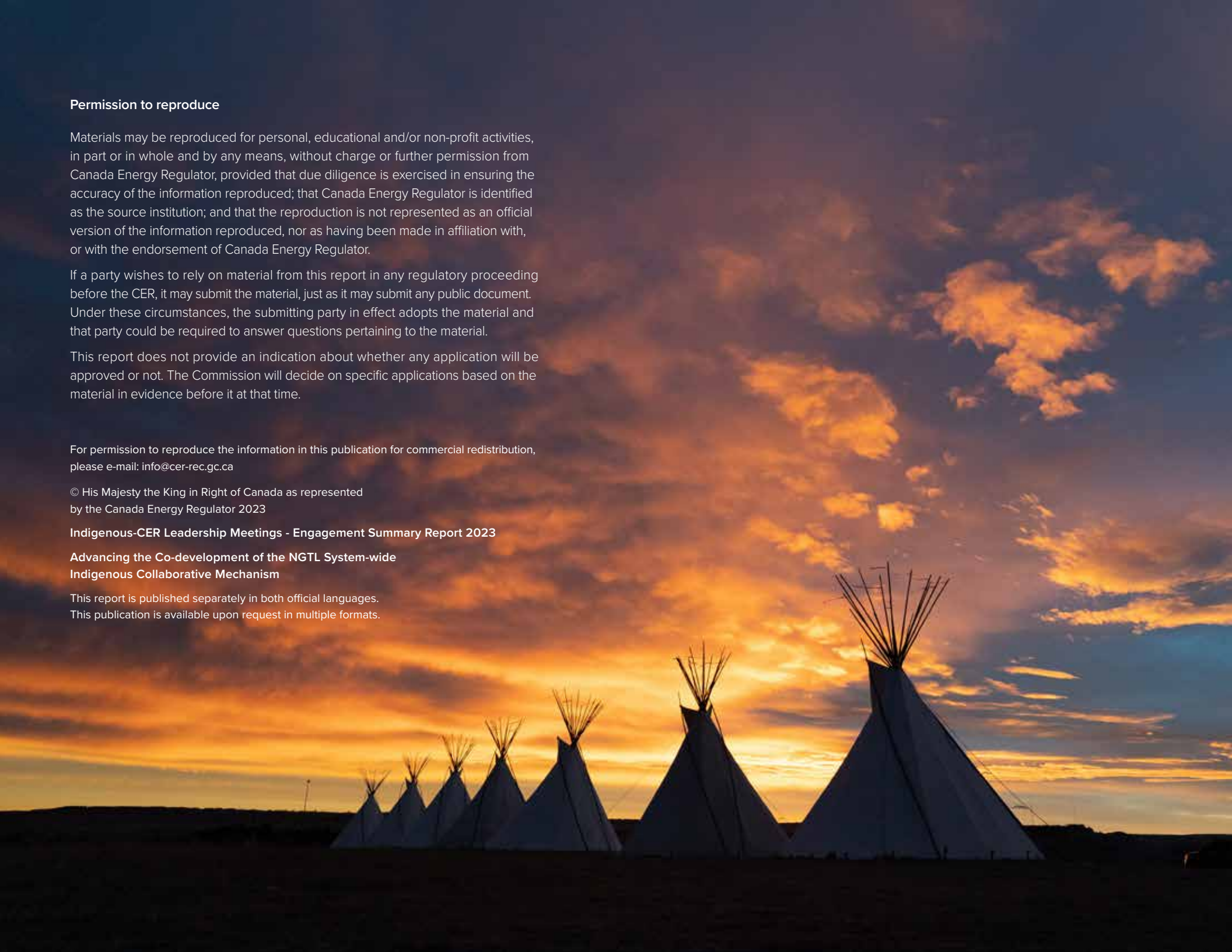
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Indigenous-CER Leadership Meetings - Engagement Summary Report 2023

Advancing the Co-development of the NGTL System-wide Indigenous Collaborative Mechanism

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Professional Leader Reconciliation, Michelle Wilsdon with Elder Irene Morin, Enoch Cree Nation

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The harm that Indigenous Peoples experience from natural resources development and related industries have, until recently, been invisible to regulators. Today, we understand that preventing harm, in all its forms, includes spiritual and cultural harm. By creating relationships with Indigenous Peoples, we create space for dialogue so that we can better understand these harms, the risk factors that contribute, and find ways, together, that we can prevent harm in the future.

Through meaningful engagement, we are growing our understanding about the impacts of projects that we regulate, how to improve safety outcomes for all, and how to regulate in a manner that respects the rights of Indigenous Peoples. Not only does it advance Reconciliation, but it makes us a better regulator.

Michelle Wilsdon
Professional Leader Reconciliation

”

1. Introduction / Preface

This document demonstrates the commitment and action that Indigenous Peoples affected and potentially affected by the NOVA Gas Transmission Ltd. system (NGTL System) and the Canada Energy Regulator (CER) have made towards the shared journey of Reconciliation. The CER acknowledges and understands the value of Indigenous voices, natural law, Indigenous Knowledge, Indigenous Science and First Nations and Métis perspectives and wisdom as stewards of lands, water and Mother Earth. The co-writing of this Summary Report (Report) was made possible through the dedication of Indigenous Peoples from various First Nation and Métis communities, who contributed their time and wisdom, and shared their hope for a different way of working alongside government.

This Report is intended to capture, through honest and open collaboration, the spirit and intent of the advice, passion, concerns and comments shared by First Nation and Métis leaders during engagement with leaders from the CER. This approach goes beyond “Indigenous Inclusion” and paves the way for a future that will be equitable and beneficial for all Canadians - now, tomorrow and for generations to come.



2. Executive Summary

The CER is committed to transforming the way it works with Indigenous Peoples and implementing the United Nations Declaration on the Rights of Indigenous Peoples. In a letter issued June 28, 2022, the CER announced that it is proceeding with the development of an initiative to co-develop a collaborative mechanism with Indigenous Peoples aimed at increasing Indigenous involvement in the CER's compliance and oversight activities for the NGTL System.

In the Summer of 2022, the CER initiated a transformative dialogue with Indigenous communities to strengthen pipeline oversight and address issues regarding NGTL projects. Between December 2022 and March 2023, CER leadership met with leaders from interested Indigenous communities to develop relationships and discuss how to increase Indigenous oversight of the entire NGTL system. This Report captures the major themes expressed during these meetings, as well as the collective input of First Nations, Métis and CER co-writers. Based on the input received, major themes include:

- Indigenous rights, recognition, and Reconciliation;
- Way of life – Connection to the land;
- Cumulative effects and climate change;
- Economic benefits;
- Collaboration & co-development; and
- Indigenous Involvement in oversight.

The focus of this collaborative work is on preserving the land for future generations, with meaningful engagement and removing barriers to Indigenous participation in projects. The CER aims to co-develop, with affected and potentially affected Indigenous communities, a collaborative mechanism for Indigenous oversight of the NGTL system based on the collective input received.

During meetings with Indigenous communities and co-writers, it became clear that, at its essence, the purpose of this collaborative work is to preserve the land and develop it in a way that ensures its continued health and sustainability for future generations. Communities were clear: When it comes to protection of the land and People, there is no “us” and “them”, and the Regulator and potentially affected Nations and communities must work together, for the benefit of all.

The CER heard very clearly from participating Nations and communities that past permits have been issued without sufficiently meaningful (and in some cases, any) consultation with Indigenous communities affected by the NGTL system. The CER further heard that for a collaborative mechanism to be successful, it will need to be transformative, represent the views of Indigenous Peoples, and ensure sufficient protection of Indigenous rights. This will require Indigenous Peoples to work alongside the CER, working together with (and not in opposition to) each other, in order to remove barriers to Indigenous participation.

Following the release of this Summary Report, the CER will undertake more intensive engagement aimed at co-developing the principles of engagement and collaboration with potentially affected Nations and communities to define the governance, structure and approach for the collaborative mechanism.



3. Guiding Principles

Indigenous leaders and writers highlighted both in meetings, and during the co-writing of this Report, the need to ground the work not only from the perspective of the Regulator, but to acknowledge and reflect the lived experience and worldview of Indigenous Peoples, including the effects of intergenerational trauma on their communities. They told stories of connection to one another and to non-Indigenous Canadians, of their spiritual connection to Mother Earth, and their sense of responsibility to protect and preserve the land and environment for “our children, grandchildren and those not yet born.”

Indigenous leaders and co-writers also stated that this work must acknowledge and respect existing inherent, Treaty, and constitutionally protected Indigenous (Aboriginal) rights as a foundation for co-development. They spoke of their desire for true Reconciliation, while highlighting the following foundational documents:

- [The United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) – including the principle of *free, prior and informed consent* (FPIC), and rights to self-determination, land, territories and resources.
- The Truth and Reconciliation Commission of Canada (TRC) – [Calls to Action Final Report](#): 94 Calls to Action aimed at addressing the legacy of residential schools and promoting Reconciliation between Indigenous and non-Indigenous Peoples in Canada.
- Missing and Murdered Indigenous Women, Girls and 2SLGBTQI+ People (MMIWG2S) – [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#): Calls to Justice, and work towards ending the violence and systemic factors that contribute to the high rates of missing and murdered Indigenous women, girls and 2SLGBTQI+ People.

Indigenous co-writers identified that natural law, or teachings that have been observed from nature / Mother Earth that guide Indigenous Peoples, must also be considered in decision-making as the collaborative mechanism is developed. While the principles of natural law vary among different Indigenous Nations and communities, there are some common themes that are often present:

- Indigenous worldview: widely-held belief systems based on interconnectedness of all living things and beings, focused on collectively growing and sharing while respecting the surrounding ecosystem and generally rejecting anthropocentrism and capitalism.
- Relationship and respect: the importance of maintaining respectful relationships with all aspects of creation, including the land, water, animals, and other human beings. This involves acknowledging the inherent rights and responsibilities of all living beings and treating them with dignity and care.



“

What is Reconciliation? For me, Reconciliation is knowing the truth. Government needs to know the truth of who we are, understand our connection to Mother Earth and the importance of saving the world for future generations. Listen to us and trust us. Indigenous Peoples give industry access to their lands and get it back when it's destroyed and we're not able to live off it anymore. Indigenous Peoples had everything they needed, clean air, water, and medicine all around. We need to slow down destroying the earth.

James Cardinal,
Métis Nation of Alberta
Region 1 President September 2018
September 2023

”

- Stewardship and sustainability: the responsibility to ensure the wellbeing of people and communities as well as protect and care for the land for future generations. This involves sustainable and reciprocal practices that ensure the long-term health and well-being of the environment and its resources.
- Harmony, balance and spirituality: the need for balance and harmony in all aspects of life. This includes striving for balance within oneself, with others, and with the natural world. It involves recognizing and respecting the interconnectedness of all things and avoiding actions that disrupt the delicate equilibrium of ecosystems, as well as the cyclical nature of knowledge and ways of life.
- Oral tradition and Elders' wisdom: Indigenous Peoples place great value on oral tradition and the wisdom passed down through generations. Elders play a vital role in preserving and sharing this knowledge, which includes teachings on natural law, ethical conduct, and the proper way of living in relation to the land and community.

And finally, co-writers identified that for this initiative to work, it must be based on a true collaboration – between the Regulator, First Nations (including non-status and non-treaty nations) and Métis Peoples (including Nations, Settlements, Locals, and independent Métis communities).



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The CER is committed to transforming the way we work with Indigenous Peoples and to implementing the UN Declaration on the Rights of Indigenous Peoples. The leadership meetings were the starting point of a partnership to enhance the participation of Indigenous Peoples in our oversight work and will inform the approach taken to co-develop the solutions needed. We know that when we collaborate with Indigenous Peoples to braid Indigenous perspectives and values into our work, everyone benefits.

Tracy Sletto
CEO, Canada Energy Regulator

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4. Background

The NGTL system is a natural gas gathering and transportation system in Alberta and northeastern British Columbia operated by NGTL which is a wholly-owned subsidiary of TC Energy Corporation. The NGTL system comprises approximately 24,500 km of operating pipelines and facilities such as compressor stations, and transports natural gas produced in the Western Canadian Sedimentary Basin to markets in Canada and the United States. The pipeline commenced operations in 1957 and NGTL came under CER jurisdiction in 2009. Prior to that date, NGTL was under provincial jurisdiction and regulated by the Alberta Utilities Commission (AUC) and its predecessors.

In recent years, the NGTL system has undergone a series of expansions that have been subject to National Energy Board (NEB) and CER review and assessment. During several hearings, Indigenous Peoples expressed interest in greater Indigenous oversight of the system and the need to examine potential effects of the system as a whole.

The path to co-developing an approach for increasing Indigenous involvement in the CER's compliance and oversight work has involved several key steps. The CER issued a commitment to enhance Indigenous Peoples' involvement in compliance and oversight in February 2021, and again in a renewed commitment letter on June 28, 2022 (Appendix 1).

The CER understands the importance of enhancing Indigenous involvement in oversight and compliance. This work aligns with the CER's Reconciliation Strategic Priority, as well as several key articles of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).



On June 21, 2023, the Government of Canada released its Action Plan for achieving the objectives of the UN Declaration, which includes measures for ensuring that the laws of Canada are consistent with the UN Declaration. This initiative aligns with measure 34 (Appendix 2) and is focused on enhancing the participation of Indigenous Peoples in regulatory decision-making for CER-led projects.

The CER's objectives for the collaborative mechanism with Indigenous Peoples are to support:

- continued partnership between the CER and potentially affected Indigenous Nations and communities on compliance verification for the NGTL system;
- the CER's responsibility surrounding oversight resulting in further opportunities for considering potential impacts on Indigenous rights and interests resulting from the NGTL system as a whole;
- collaborative decision-making by the CER and potentially affected Indigenous Nations and communities on matters relating to oversight of the NGTL system;
- meaningful, proactive engagement and long-term relationship-building; and
- the advancement of the CER's Reconciliation Strategic Priority and efforts towards implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and measure 34 of the Action Plan for the United Nations Declaration Act.

The initiative involves five phases over several years:

- **Phase 1:** Internal planning and coordination.
- **Phase 2:** Leadership meetings – Hold in-person and virtual leadership meetings involving the CER CEO and senior leadership and leadership from interested Indigenous communities to confirm interest and willingness of communities to co-develop with the CER a mechanism for greater involvement of Indigenous Peoples in oversight of the NGTL system.

WE ARE HERE

- **Phase 3:** Laying the foundation – Hold more intensive engagement with technical staff from interested potentially affected Indigenous communities aimed at co-developing the principles of engagement and collaborating on defining the governance, structure, and approach for the collaborative mechanism.
-
- **Phase 4** will focus on the co-development of the mechanism and **Phase 5** will focus on implementation and evaluation. The approach and timing of Phases 4 and 5 will be reassessed with insight gained from discussions in the early phases of the initiative and will be aligned with available funding for staff resources and grants and contributions availability.

5. Summary Report

This Report provides a summary of what was shared during the leadership meetings held between December 2022 and March 2023. This Report was co-written with members from several Indigenous communities and the CER who attended the meetings. CER and Indigenous leaders who participated in the leadership meetings are listed in Appendix 3. CER and Indigenous co-writers who participated in the Report co-writing process are listed in Appendix 4.

This Report does not attempt to repeat all of the comments received but is rather intended to capture the major themes expressed, as well as the emotion and spirit with which they were relayed. The Report is high-level, general and except where direct quotes are given, does not attribute comments received to specific participants.



6. Leadership Meetings

Indigenous leaders, representing First Nations and Métis leadership from potentially affected Nations and communities participated in the meetings. Métis leaders represented Métis Nations, Settlements, Locals and independent Métis communities. A distinctions-based approach ensured that the specific rights, interests, laws, practices, priorities, and concerns of First Nations and Métis Peoples were acknowledged. The meetings were intended to provide a forum for CER and Indigenous leaders to discuss, through open dialogue, how to co-develop a future where there is increased Indigenous oversight of the NGTL system as a whole, and to seek leaders' support to advance this initiative.

6.1. Meeting objectives

The CER's goal in hosting regional leadership meetings was to validate the initiative with Indigenous leaders, and to prepare to work together by considering opportunities and challenges at the outset of the initiative to determine what meaningful engagement will look like.

The CER's objectives of the regional leadership meetings were to:

- initiate and further develop relationships between the CER and potentially affected Indigenous Nations and communities;
- explore approaches for co-developing the collaborative oversight and compliance mechanism;
- identify how the CER and Indigenous Nations and communities can facilitate the co-development of this work;
- determine community levels of interest and capacity to participate in this work; and
- discuss the next steps for community participation in the co-development of this work.



Chief Aaron Young from the Chiniki First Nation and former CER CEO Gitane De Silva

6.2. Participants

Indigenous leadership, Elders and support staff from Indigenous Nations and communities potentially affected by the NGTL system, were invited to the regional leadership meetings. The meeting invitation list comprised communities that participated in major NGTL hearings in the past and the Crown Consultation list for the NGTL West Path 2023 hearing.

Approximately 120 Indigenous Nations and communities were invited to participate in the leadership meetings, 70 communities had one or more representatives participate in a leadership meeting, and 150 individuals participated in a leadership meeting. The CER CEO, senior executives, and CER staff attended the meetings.

6.3. Overview

The sessions included introductions of all participants, followed by roundtables and open dialogue, where participants were invited to provide comments and ask questions based on the set of guiding questions below. At some of the meetings, Elders and support staff also shared their views.

How can we co-develop a future where there is enhanced Indigenous Peoples' involvement in compliance and oversight of the NGTL system as a whole?

- What are some of the values or core principles that might guide how we work together?
- What are the opportunities, challenges, and considerations during this process?
- Knowing that we have invited over 100 communities to participate in this initiative, how can we develop a process that is both effective and meaningfully addresses your community's rights and interests?
- What roles do you expect for each of us (Indigenous Communities, Umbrella Organizations, the CER, the company (TC Energy)), other federal or provincial partners in this long-term journey?
- What do you need to meaningfully participate in this process?
- What is your vision for this process and what is the best way to get agreement from all to move to the next step?

Following each meeting, CER staff distributed meeting notes that summarized the comments received from leaders during the discussion, and identified key themes on what the CER understood to be important issues and guidance from the leadership discussion. At the request of Indigenous leaders, the summaries also included comments from community observers who attended and who spoke at some of the meetings.

During the leadership meetings and again in follow-up emails, the CER conveyed its desire to co-write the “final Report of discussions” with meeting participants, reflecting the perspectives of First Nations and Métis attendees. In an email sent to all participants, the CER invited communities to participate in the co-writing of the Report; eight volunteers from First Nations and Métis communities responded and actively participated in the co-writing process.

A list of meetings that took place is found in **Appendix 5**.



7. Summary of Comments

Comments below reflect major themes that were identified through the leadership meetings held between December 2022 and March 2023, as well as discussion and input from Indigenous co-writers.

7.1. Indigenous rights, recognition, and Reconciliation

1) Indigenous Peoples are rights holders

- Rights include inherent rights, Treaty rights and Indigenous (Aboriginal) rights as defined in the Canadian Constitution, Section 35 (1).
- Rights are inherent and place-based, and are not defined by colonial geographical boundaries.
- Rights are also recognized in the United Nations Declaration.
- The spirit and intent of all Treaties between Canada and Indigenous Peoples should be honoured through mutual consent and responsibility, or co-governing.
- Understand sovereign Indigenous Peoples' relationship with the Crown.
- Rights have not always been intact, nor respected or observed – Indigenous Peoples have not always been allowed to participate in decision-making in regards to natural resource development.
- Rights must be protected.

2) Recognition

- Recognize the diversity among Indigenous Peoples – their history, culture, spirituality, language, governance structures, practices and protocols.
- Recognize distinct Métis communities; avoid a pan-Métis approach.
- Recognize that a challenge in bringing a variety of groups together for this initiative is variability in standards and interests – there needs to be an equity-based solution.
- Responsibility for the land rests with all parties.

3) Reconciliation

- Reconciliation is “the truth”; it must acknowledge past harms.
- Co-development is an initial step towards Reconciliation.
- Decolonize – identify and address systemic barriers to Indigenous participation in regulatory processes, such as Consultation processes and Hearings

7.2. Indigenous way of life – connection to the land and its people

1) Indigenous ways of knowing and being

- Seven Sacred Teachings - A set of teachings on behaviour towards one another that should inform the principles of how this work will proceed. Teachings include Love, Respect, Courage (Bravery), Honesty, Wisdom, Humility and Truth. These are also known as the Teachings of the Seven Grandfathers.
- Be present.
- Listen to understand, not to respond.
- Use our best intention because intention matters to Mother Earth, our ancestors and our children, grandchildren and those not yet born - what we intend is what materializes.
- Start and end with ceremony.

2) Future generations

- It is our collective responsibility to preserve Mother Earth for future generations – our children, grandchildren and those not yet born.
- Decisions made today should consider future impacts.

3) Everything is connected

- *Wahkohtowin* – a Cree word that denotes the interconnected nature of relationships, communities and natural systems. “We are all related.” We are connected to everything.¹
- Everything has spirit; Indigenous Peoples’ connection to the land is spiritual.

7.3. Cumulative effects, climate change, and other project-related impacts

1) Impacts on the land

- Natural resource development occurs on Crown lands, diminishing lands available for Indigenous Peoples to exercise their rights.
- Climate change impacts, which have also disrupted natural cycles and removed “signs” to hunt and gather medicines (changing efficacy of medicines if not picked at correct times).
- Fires, floods.

2) Socio-economic impacts

- Impacts especially to Indigenous women, girls and two-spirit people (MMIWG2S) and vulnerable communities.
- Greed, leading to prioritization of profit over people and environment.
- Addiction.
- Work cycles (e.g., six days on / one day off) taking a toll on mental health.
- Reduced access to traditional medicines.
- Trauma / displacement.
- Loss of cultural safety.
- *Solastalgia* - defined as the distress that is produced by environmental change impacting on people while they are directly connected to their home environment.
- Spiritual distress.

¹ Some additional information on Wahkohtowin was provided by Indigenous co-writers, found at the Aseniwuche Winewak Nation website: www.aseniwuche.ca/wp-content/uploads/2021/06/wahkotowin_bundle.pdf

7.4. Economic benefits

1) Regulatory oversight

- Opportunities for the CER to be a convenor with other energy regulators, even if it is beyond their mandate.
- Coordination between the CER and other jurisdictions.
- Need for regulatory oversight to ensure economic commitments are being followed.
- In initial consultation processes between communities and proponents, need for minimum targets / requirements set for procurement (e.g., 5% federal procurement guidelines) to be established.

2) Procurement processes

- Procurement processes of proponents must be clear, and barrier-free.
- Procurement processes of the CER must be clear, and barrier-free.
- Processes must be transparent, and explain why candidates have not been successful.
- Set clear expectations for percentage of contracts to Indigenous businesses.
- Decisions must be clearly explained to Indigenous businesses.
- Procurement should include direct awards and other opportunities for Indigenous-owned businesses and businesses associated with affected Indigenous communities (local Indigenous communities should receive priority, with a focus on Indigenous-owned companies).

7.5. Collaboration & co-development

1) Values

- Must be based on values that include:
 - Authenticity and sincerity;
 - Respect, trust, honesty;
 - Transparency; and
 - Accountability.
- Based on Seven Sacred Teachings.
- Co-development must provide a safe space for diverse opinions to be heard.
- Process must acknowledge the spiritual responsibility Indigenous Peoples have to protect lands and way of life for future generations.

2) Capacity to participate

- Provide adequate resources to support meaningful ongoing participation, consultation and action.
- Must be long-term.
- Require dedicated staff, time and money if it is to succeed.

3) Ceremony and protocol

- Inclusion of ceremony is very important.
- Follow distinct protocols with specific communities, understanding they are unique to each.

7.6. Indigenous involvement in oversight

1) Indigenous knowledge and worldview

- Approach compliance from an Indigenous lens.
- Incorporation of traditional knowledge into monitoring – equal to western knowledge.
- Indigenous knowledge, language and involvement of Indigenous representatives to ensure input is not “watered down” or diminished.
- Involvement from concept to final decommissioning, reclamation and remediation.
- Indigenous monitoring throughout the lifecycle of a project.
- Inclusion of Elders and youth.
- Inclusion of Indigenous input in risk modeling activities.
- Balance between concern for the environment, economics, people, cultural safety.

2) Education and training

- Understanding of the process by which decisions are made.
- Indigenous Monitors trained to work on the NGTL system.

3) Authority

- Authority over monitoring and enforcement.
- Independence from proponent.
- Involvement in decision-making.
- Desire to have newer NGTL conditions inform oversight of older lines and facilities.
- Creation of (an) Indigenous regulator(s).
- Oversight should include: Indigenous inspectors and reporting; involving Indigenous experts in compliance verification and certification; and Indigenous involvement in operations, maintenance, and enforcement.
- Cooperation and coordination with provincial regulators.
- Indigenous Secretariat that includes women who carry knowledge, stories and blood memory.
- Reporting not only to the CER but to Nations / communities.

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Reconciliation means taking action – otherwise it’s just talk.

David McPhee
Aseniwuche Winewak Nation

”

8. What's Next

Appreciation and gratitude to all those who participated in the Indigenous-CER leadership meetings. This Report aims to reflect what was expressed by First Nation and Métis leaders during these meetings. Through open and honest dialogue, Indigenous and CER co-writers collaborated to ensure that the Report accurately captures key themes, and barriers to participation in the next phases of the initiative, that were identified by participating Indigenous leaders.

Initial meetings will be followed by more intensive engagement with technical staff and/or leadership from potentially affected Indigenous communities aimed at co-developing the principles of engagement and collaborating on defining the governance, structure, and approach for the collaborative mechanism (Phase 3). The CER will be in contact with communities to receive input regarding the next phase of engagement. The timeframe for Phases 4 (co-development of the mechanism) and 5 (implementation) will be determined during the planning stage for those phases.



8.1. Barriers to engagement

Indigenous co-writers identified several barriers faced by Indigenous communities for the next phases of engagement. These include:

- Resources – technical complexity of materials (don't have a technical team, like the companies/regulators do);
- Inadequate funding;
- Childcare;
- Insufficient time;
- Language barriers;
- Fear/distrust;
- Limited technological skills;
- Mental health/trauma;
- Family emergencies;
- Deaths in communities; and
- Accessibility (e.g., wheelchairs or walkers for Elders; unsuitable meeting locations for Elders, such as downtown Calgary).

8.2. Recommendations to facilitate meaningful engagement

Co-writers identified several opportunities to support successful engagement with Indigenous communities throughout the next phases of engagement. These include:

- Be mindful of the resources and capacity each community has in place to be able to understand the technical information being presented;
- Have representatives come and present information in a way that can be easily understood by Indigenous communities, and is culturally appropriate / respectful;
- Include capacity (funding) to hire translators;
- Provide information with a key summary of relevant information;
- Use the laws and principles of Indigenous Peoples – natural laws, Seven Sacred Teachings;
- Incorporate cultural components, such as sharing circles and ceremonies, into community visits;
- Listen actively to what Indigenous Peoples are saying – listen to understand, and act on it;
- Include Indigenous worldview;
- Include Elders and youth in engagement;
- Speak and act from the heart;
- Decolonize processes and communication; and
- Meet in communities, or on the land (and especially the land on which projects will occur).

Glossary of Terms

Distinctions-based approach: A distinctions-based approach is a way of acknowledging the specific rights, interests, priorities and concerns of the three federally recognized Indigenous groupings in Canada: First Nations, Métis, and Inuit. It is meant to remedy the previous “pan-Aboriginal” or “one size fits all” approach to Indigenous policy and decision making. It respects and acknowledges the distinct Peoples with unique cultures, histories, rights, laws, and governments.

Indigenous Peoples: For the purposes of this document the term Indigenous largely refers to First Nations (status, non-status, treaty, non-treaty) and Métis (Nations, Locals, Settlements and communities).

Solastalgia: Distress that is produced by environmental change impacting on people while they are directly connected to their home environment.

Wahkohtowin: A Cree word that denotes the interconnected nature of relationships, communities and natural systems.



Appendix 1 – CER’s February 2021 and June 2022 commitment statement

Indigenous Peoples’ Involvement in CER Compliance and Oversight for NGTL 2021

February 10, 2021

The CER is deeply committed to Reconciliation and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. When Indigenous Peoples are meaningfully involved in our work, we can bring together our collective perspectives – Indigenous knowledge and world views and Western knowledge and approaches – to ensure Canada’s federally regulated pipelines are safe, the environment is protected, and Indigenous rights are recognized and respected.

The CER’s recent and upcoming initiatives on the NOVA Gas Transmission Ltd. 2021 System Expansion Project (NGTL 2021) are another step on this shared path towards Reconciliation. We are embarking on an initiative on NGTL 2021 that will set a framework for ongoing dialogue between the CER and Indigenous Peoples on matters that are relevant and important to them.

As part of this ongoing engagement, we have a contracting process underway to partner our Inspection Officers with Indigenous Monitors when conducting inspections in the field for compliance verification activities. This “boots on the ground” presence on NGTL 2021 will allow the CER to better integrate Indigenous perspectives in our compliance and oversight activities. Our aim is to have Indigenous knowledge, world views, and insights of Elders and Knowledge-keepers respectfully integrated into all stages of a project’s design, construction, and operation.

The CER understands that, in communities and on the land, Indigenous Peoples do not experience potential impacts on a project-by-project basis. This highlights the need to expand the initiatives on NGTL 2021 to other projects, such as the proposed NGTL North Corridor Expansion Project and the NGTL Edson Mainline Expansion Project if they are approved by the Governor in Council (GIC), and to existing pipeline systems more broadly.

As the CER explores how it can achieve this, we look at areas that may require co-developed solutions, such as:

Capacity for Indigenous Peoples to participate meaningfully in compliance and oversight activities;

- Protection of the environment, traditional activities, and heritage resources;
- Emergency Management planning and response;
- Use and protection of Indigenous knowledge; and
- An Indigenous monitoring program that can be used across Canada and CER-regulated pipelines.

Future efforts to co-develop a broader, systemic model for Indigenous Peoples’ involvement in compliance and oversight of new major CER-regulated projects and existing infrastructure will incorporate learnings from NGTL 2021, from the Indigenous Advisory and Monitoring Committees for the Trans Mountain Existing Pipeline and Expansion and the Line 3 Replacement Program, and seek opportunities with other federal departments and agencies. This work will also benefit from the advice of the CER’s Indigenous Advisory Committee, which plays a key advisory role to the Board of Directors on how best to enhance the involvement of Indigenous Peoples and organizations in respect of CER-regulated infrastructure and other matters.

For more information, please contact Marc Pauzé at marc.pauze@cer-rec.gc.ca.

Advancing the co-development of a NGTL system-wide Indigenous collaborative mechanism

June 28, 2022

The Canada Energy Regulator (CER) is committed to a renewed relationship with Indigenous Peoples based on the recognition of rights, respect, co-operation, and partnership. We are transforming the way we work with Indigenous Peoples, with a commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.

The CER is moving forward with this important work and is proceeding with the development of an initiative to co-develop a collaborative mechanism with Indigenous Peoples relating to pipeline compliance and oversight of the NOVA Gas Transmission Ltd. system (NGTL System). The aim of the initiative is to foster discussions regarding the rights and interests of Indigenous Peoples as they relate to the compliance and oversight for all existing NGTL pipeline projects regulated by the CER, including the 2021 NGTL System Expansion Project, Edson Mainline Expansion Project, and North Corridor Expansion Project. The new mechanism would also apply to future CER-regulated pipelines that may be added to the NGTL system, such as the proposed NGTL West Path Delivery 2023 Project, if approved.

Many Indigenous Nations, communities, settlements and groups (Indigenous communities) potentially affected by the approximately 25,000 kilometers of pipelines in the NGTL system, have expressed the following needs:

- Being involved in the protection of the rights and interests of Indigenous Peoples including those related to the protection of the environment and cultural heritage;
- Being part of the oversight of emergency management planning; and

- Ensuring sustainable, predictable funding and processes to enable participation in the lifecycle oversight of the pipeline system.
- Continuing to advance the shared path to Reconciliation, this initiative builds on the steps the CER has taken over the past few years to enhance Indigenous Peoples' involvement in compliance and oversight and seeks to establish a cooperative way forward, in partnership with Indigenous communities. The initiative will provide opportunities to incorporate knowledge and experience gained from the CER's NGTL Indigenous Monitoring Program, which is now entering its second implementation phase, as well as from the Indigenous Advisory and Monitoring Committees for the Trans Mountain Expansion Project and the Line 3 Replacement Program.

The CER will reach out to Indigenous communities potentially affected by the NGTL system to organize leadership meetings that will launch the next phase of this initiative in the Fall. These discussions will focus on exploring how to shape the leadership meetings, including Indigenous protocols, agendas and funding support for participation in this discussion.

These communities will have the opportunity to apply for financial support to participate in the initiative. As part of this initial engagement, we will be looking for input on how to align future funding with the next steps of engagement.

For more information on this initiative, or to provide the name of someone from your community who could help shape the leadership meetings, please contact the Engagement Team at engagement-mobilisation@cer-rec.gc.ca.

Appendix 2 – UN Declaration Action Plan Measure #34

<https://www.justice.gc.ca/eng/declaration/ap-pa/ah/p2.html>

Work in consultation and cooperation with First Nation, Métis and Inuit communities, governments and organizations to (i) enhance the participation of Indigenous Peoples in, and (ii) set the measures that could enable them to exercise federal regulatory authority in respect of, projects and matters that are currently regulated by the Canada Energy Regulator (CER).

Steps to achieve these objectives include to:

- Develop regulations respecting the Minister of Natural Resource Canada's power to enter into arrangements that would enable Indigenous governing bodies to be authorized to exercise specific powers, duties and functions under the *Canadian Energy Regulator Act*.
- Amend the *Canadian Energy Regulator Onshore Pipeline Regulations* and Filing Manuals applicable to the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure, in a manner that:
 - incorporates specific localized knowledge held by Indigenous Peoples, as well as Indigenous laws, policies, practices, protocols, and knowledge,
 - strengthens measures to prevent and address impacts to Indigenous rights and interests, including in relation to heritage resources and sites of Indigenous significance.
- Develop a systemic model to enhance Indigenous Peoples' involvement in compliance and oversight over the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure. The model should integrate learnings from existing structures and relationships.

- Consult and cooperate to identify and take the measures needed to support Indigenous governing bodies, and/or the potential establishment of new Indigenous decision-making institutions, to exercise regulatory authority on projects and matters regulated by the Canada Energy Regulator, including:
 - Co-develop with First Nation, Métis and Inuit communities, governments and organizations and relevant federal departments and regulators the mandate of such bodies or institutions, as well as the mechanisms required for empowering them with certain regulatory authorities,
 - Identify the actions and allocate the resources required to further develop capacity and expertise for the exercise of regulatory authority by such bodies or institutions.

This work could lead to other federal departments, regulators or institutions, similarly working in consultation and cooperation with First Nation, Métis and Inuit communities, governments and organizations, to:

- enhance the participation of Indigenous Peoples,
- set the measures that could enable them to exercise regulatory authority, in respect of federally regulated natural resource projects. **(Natural Resources Canada, Canada Energy Regulator).**

Appendix 3 – Leadership who took part in meetings

CER leadership who participated in meetings include:

- Gitane De Silva (CEO)
- Chris Loewen (A/EVP, Transparency & Strategic Engagement)
- Marc Pauzé (A/VP, Field Operations)
- Bernée Bolton (A/VP, Indigenous Relations & Reconciliation)
- Marc-André Plouffe (A/VP Communications & Engagement)
- Michelle Wilsdon, (Professional Leader Reconciliation)

Indigenous leadership who participated in meetings include:

- Ken Arcand (Executive Director, Consultation), *Alexander First Nation*
- Lyle Letendre (President), *Apetokosan Nation/Kelly Lake Métis Settlement Society*
- Dave MacPhee (President), *Asenivuche Winewak Nation*
- Chief Darcy Dixon, *Bearspaw First Nation*
- Chief Andy Alook, *Bigstone Cree Nation*
- Trevor Moberly (Councillor, Proxy), *Birch Narrows Dene Nation*
- Greg Mazur (Director of Industry Engagement), *British Columbia Métis Federation*
- Taylor McLeod (Industry Procurement Coordinator), *British Columbia Métis Federation*
- Stan Delorme (Chairman), *Buffalo Lake Métis Settlement*
- Barry Nooskey (President), *Cadotte Lake Métis Nation*
- Chief Aaron Young, *Chiniki First Nation*
- Almer Herman (President), *Christina River Dene Nation*
- Chief Kelsey Jacko, *Cold Lake First Nation*
- Laureen Whyte (Consultant, Representative), *Doig River First Nation*
- Raymond Supernault (Chairperson), *East Prairie Métis Settlement*
- Chief Cody Thomas, *Enoch Cree Nation*
- Craig Makinaw (Councillor), *Ermieskin Cree Nation*
- Arlene Calliou (Vice Chair), *Fishing Lake Métis Settlement*
- Lois Duke (President), *Foothills First Nation*
- Chief Jimmy O'Chiese, *Foothills Ojibway First Nation*
- Ron Quintal (President), *Fort McKay Métis Nation*
- Jacqueline Alderking (President), *Fort St. John Métis Society*
- Watson Kaquitts (Councillor, Proxy), *Good Stoney First Nation*
- Pamela Halcrow (Councillor), *Kapawe'no First Nations*
- Chief Cliff Calliou, *Kelly Lake Cree Nation (As'in'w'a'chi Na'yaw)*
- Chief Norman Calliou, *Kelly Lake First Nation*
- David Thompson (Vice Chairman), *Kikino Métis Settlement*
- Tracy L Friedel (President) *Lac Ste. Anne Métis Community Association*
- Dominic Frederick (Councillor), *Lheidli T'enneh First Nation*
- Chief Billy Joe Laboucan, *Lubicon Lake Band #453*

- Nathan Prince (Traditional Land Use Coordinator, Proxy), *McLeod Lake Indian Band*
- Peter Hansen (President), *McMurray Métis Local 1935*
- Shane Combs (President), *Métis Local 19 Slave Lake*
- Diane Peredery (President), *Métis Local 90 Wabasca*
- Dean Gladue (Minister of Natural Resources), *Métis Nation British Columbia*
- Paul Bercier (Proxy for Audrey Poitras), *Métis Nation of Alberta*
- James A Cardinal (President), *Métis Nation of Alberta - Region 1*
- Wynter Ducharme (Consultation Coordinator, Representative), *Métis Nation of Alberta - Region 3*
- Hilda Lambert (Vice President, Proxy), *Métis Nation of Alberta - Region 5*
- Barry Dibb (Vice President), *Métis Nation of Alberta - Region 6*
- Alfred L'Hirondelle (President), *Métis Regional Council - Zone IV*
- Dave Lamouche (President), *Métis Settlements General Council*
- Chief Elmer Rattlesnake, *Mountain Cree Smallboy Camp*
- Al Findlay (President), *Mountain Métis*
- Jean Whitehorse (President), *Nakcowinewak Nation of Canada*
- Leona Karakunte-Small (Vice President), *Nose Creek Community*
- Philip Ghostkeeper, *Paddle Prairie Métis Settlement*
- Darlene Misik, *Papaschase First Nation #136 Association*
- Chief Gilbert Okemow, *Peerless Trout First Nation*
- Valerie Paice (President), *River of the Peace Métis Society*
- Chief Vernon Saddleback, *Samson Cree Nation*
- Chief Roy Whitney-Onespot, *Tsuut'ina Nation*
- Stella Lavallee (President), *Willow Lake Métis Nation*
- Rolando Inzunza (Director of Consultation, Proxy), *Chard Métis Society*
- Darryel Sowan (Consultation Coordinator, Proxy), *Little Red River Cree Nation*
- Andrea Sandmaier (Vice Chairperson), *Métis Nation of Alberta, Region 2*
- Carl Ninine (Proxy), *O'Chiese First Nation*
- Chester Omoth (Councillor), *Paddle Prairie Métis Settlement*
- Robert Mills (Lands Manager, Proxy), *Tallcree First Nation*
- Andrew Scott (Consultation Director, Proxy)
- Elder Gerry Attachie, *Doig River First Nation*
- Paulette Flamond (Director), *Métis Nation of British Columbia*
- Peter McPherson (President, Proxy), *Métis Nation of Alberta - Region 3*
- Russell Noseworthy (Government and Industry Relations, Proxy), *McMurray Métis Local 1935*
- Brenda Bylan (Vice President), *Métis Settlements General Council*
- Laurie Buffalo, (Councillor and Representative for Chief Vernon Saddleback), *Samson Cree Nation*
- Terry Anonson (Board Member, Proxy), *Elk Valley Métis Nation*

Appendix 4 – Indigenous and CER co-writers

The CER acknowledges and expresses its deep appreciation for the individuals who participated in the co-writing committee of this Summary Report.

First Nations and Métis co-writers included:

- Kyra Northwest, *Samson Cree Nation*
- Ashley Shaw, *Métis Nation of Alberta*
- Tracy L. Friedel, *Lac Ste. Anne Métis Community Association*
- Valerie Paice, *River of the Peace Métis Society*
- Leona Small, *Nose Creek Community*
- Tanisha Maltais, *Cadotte Lake Métis Nation*
- Violet Meguinis, *Tsuut'ina Nation*
- Taylor Mcleod, *BC Métis Federation*

CER co-writers included:

- David Real
- Jan Whitney
- Dione McGuinness, Consultant, *IndigenUs Consulting Corp.*

Facilitators included:

- Melanie Daniels, Chickadee Indigenous Relations
- Coreen Lawrence, CER

“

Our power, spirit – we think about our children, our grandchildren. We know there is something wrong with Mother Earth. We know it. We feel it. We have that intuitive instinct to look after her and be protectors.

Indigenous co-writing committee

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Indigenous-CER co-writing committee

Appendix 5 – List of meetings

Below is an overview of the CER-Indigenous leadership meetings held.

In-person – Regional CER-Indigenous leadership meetings

December 14, 2022 (8:30 am – 1:00 pm MST)

Meeting was held at the Grey Eagle Casino and Resort. Representatives from Southern AB, Southeastern BC, and SK First Nations communities participated.

February 7, 2023 (8:30 am – 1:00 pm MST)

Meeting was held at the Delta Edmonton South Conference Centre in Edmonton, AB. Representatives from AB and BC Métis leadership participated.

February 7, 2023 (1:00 – 6:00 pm MST)

Meeting was held at the Delta Edmonton South Conference Centre in Edmonton. Representatives from AB Métis Settlements and Independent Métis leadership participated.

February 8, 2022 (8:30 am – 1:00 pm MST)

Meeting was held at the Delta Edmonton South Conference Centre in Edmonton. Representatives from Northern and Central AB First Nations participated.

March 14, 2023 (8:30 am – 1:00 pm MST)

Meeting was held at the Pomeroy Hotel and Conference Centre in Fort St. John, BC. Representatives from Northeast BC communities participated.

Virtual – CER-Indigenous leadership meeting

March 23, 2023 (2:00 – 4:00 pm MST)

Meeting was held virtually using Microsoft Teams. Indigenous communities who were not able to attend one of the in-person sessions participated.

“

I carry a great sense of responsibilities from my community, the Creator as well as Mother Earth and my ancestors who I believe, speak through me on behalf of future generations.

Leona Small
Nose Creek Community
(Former Vice President)

”



“

—

This is a tough conversation – for you it’s collecting suggestions or a note taking session, for us this is an opportunity to finally create a mechanism that’s rooted in Treaty and Indigenous priorities.

Samson Cree Nation
Laurie Buffalo, Consultation

”

For more information
please contact:
Engagement@cer-rec.gc.ca