Métis Nation of Alberta
A strong Métis Nation embracing Métis rights
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June 30, 2022
VIA EMAIL

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403-629-6194
Dan Barghshoon, Regulatory Policy
Canadian Energy Regulator
Attention: Dan Barghshoon, Regulatory Policy

To Mr. Barghshoon,

Re: Métis Nation of Alberta Response to Onshore Pipeline Regulations Review Discussion Paper

We write on behalf of the Métis Nation of Alberta ("MNA") regarding the Canada Energy Regulator's ("CER") request for input on the Onshore Pipeline Regulations ("OPR") Review Discussion Paper. The MNA is properly authorized to represent its citizens in any Crown directed process or proceeding which may adversely impact the collectively-held rights, claims, and interests of the Métis within Alberta, as affirmed and protected by s. 35 of the *Constitution Act, 1982*. Below is our response to the six sections outlined in the OPR Review Discussion Paper.

Section One: Lessons Learned (q. 1)

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

In general, the OPR could be improved by better communication practices which emphasize clarity and transparency. Clarity and transparency can be increased by using plain language wherever possible and defining terms which may otherwise be ambiguous, such as 'inclusion' and 'participation' (i.e. what does inclusion mean to the CER?). Furthermore, the OPR should define terms specific to Indigenous relations, such as 'traditional areas', 'cumulative

effects', and 'community'. The MNA would like to be involved in determining the definition of these terms with the CER to ensure mutual agreement in interpretation.

Additionally, while the sentiment of the goal "for companies to strive to do better than a minimum requirement" (Discussion Paper, p.2) may be benevolent, this policy suggests that the minimum requirements are not enough. If we want companies to do better than the current/suggested minimum requirements, we can change the requirements so that they must do better. The minimum requirements must be raised to an appropriate level to ensure that companies are held accountable to the level expected by Indigenous Peoples and the CER.

Minimum standards should be set in collaboration with relevant Indigenous Nations and organizations/groups (e.g. Metis Nations, Metis Settlements, First Nations, Inuit) including the MNA, and should reflect consistently high standards which the company must meet or go beyond. Minimum standards should not mean low standards.

Focusing on compliance verification on "those things that pose the highest risk of harm to people and the environment" (Discussion Paper, p.2) and ignoring smaller infractions could give companies the impression that they are able to get away with smaller infractions as long as high-risk activities are conducted according to the CER Act. While it is very important that high risks to people and the environment are mitigated and these mitigations are verified, smaller-risk activities and their consequences can compound to be as high as or even higher-risk than traditionally high-risk activities.

The MNA agrees that the OPR must require "regulated companies to establish, implement and maintain management systems and protection programs in order to anticipate, prevent, manage and mitigate conditions that may adversely affect the safety and security of the company's pipelines, employees, the public, as well as property and the environment," but the OPR must also importantly anticipate, prevent, manage and mitigate conditions that may adversely affect the safety and security of Indigenous Peoples and their constitutionally protected s. 35 rights (*The Constitution Act*, 1982). The OPR should include a new section and/or program reflecting Indigenous protection and collaboration, this will be elaborated on in the following question.

Section Two: Reconciliation with Indigenous Peoples (q. 2-6)

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

The OPR should include a new section reflecting Indigenous protection and collaboration or involvement to address the gap in the regulations to respect and recognize the duty to consult with Indigenous Nations, mitigate the infringement of Indigenous rights, and collaborate with Indigenous perspectives on onshore pipeline planning, construction, management, and decommissioning plans. This program would be similar to those programs

referred to in sections 32, 40, 47, and 48 of the OPR that are part of the overall management system. This program would ensure that companies develop, implement, and maintain an Indigenous Protection and Collaboration Program that anticipates, prevents, manages, and mitigates conditions that could potentially adversely affect the rights of Indigenous peoples or have an impact on Indigenous heritage resources, traditional land and resources use, and sites of cultural significance. It would need to comply with a CER approved standard, or other suitable standards, per section 5.1 OPR.

Additionally, the program would also apply when a company designs, constructs, operates, or abandons a pipeline, or contracts for the provision of those services, so as to ensure Indigenous collaboration throughout the lifetime of the pipeline. This could be done with the help of the addition of another new section to the OPR, an 'Engagement Process Program,' which would ensure consultation, participation, and engagement from all stakeholders, including potentially impacted Indigenous groups and Peoples, at all stages of the life of the pipeline, and apply to all programs in the planning and management system. This program would require companies to establish and maintain liaisons with potentially impacted stakeholders (similar to OPR section 34), and to consult and engage with them (including sharing and provision of knowledge) in all aspects throughout the lifetime of the pipeline. The 'Indigenous Protection and Collaboration Program' would be conducted in coordination with all other programs within the OPR.

These two new proposed programs would not replace previous systems already in place, such as Indigenous Advisory and Monitoring Committees, but rather work in tandem and in coordination as well as make Indigenous involvement and the recognition of s.35 rights a requirement in the OPR. Additionally, the CER Filing manual (which should be updated with input from the MNA) would provide more details, add requirements and guidance, specifically with regards to CER expectations of regulated companies to advance reconciliation. The CER Commission will retain the power to require amendments to programs under their overall management system if they are deemed inadequate, or for safety and environmental reasons, or for public interest (section 5 OPR).

These proposed amendments would allow for greater Indigenous participation and collaboration throughout all stages of the lifetime of the pipeline, including the initial planning of the programs in the companies' overall management system, as well as their implementation and execution. It should also help to address some of the concern surrounding a lack of oversight action by the CER regarding the potential impacts of pipelines on Indigenous Peoples and groups, as well as how to move forward to meaningfully advance reconciliation through consultation and cooperation.

In the discussion guide, it is made clear that the CER and the Government of Canada is committed to achieving Reconciliation with Indigenous Peoples, consistent with UNDRIP and its Indigenous Advisory Committee within the preamble of the CER Act. This wording should be integrated into the OPR under an Indigenous specific program, to make it clear and binding how the regulations will be interpreted. As well "the integration of Indigenous perspectives, knowledge, teachings, values, use of air, land and water, oral traditions, and world views," (Discussion Paper, p.3), should be required as a part of an Indigenous Protection and Collaboration Program or section in the OPR.

In order for the CER to make "meaningful change in the CER's requirements and expectations of regulated industry" to advance reconciliation (Discussion Paper, p.3), the CER must require that companies work to support reconciliation by creating a clear and comprehensive program that will require meaningful consultation with Indigenous Peoples on their potential adverse impacts resulting from company projects to Indigenous people and their individual and collective s.35 rights, and for companies to adapt their plans, construction, management, and decommissioning to mitigate and/or accommodate those impacts. Meaningful change would involve the inclusion of the recognition and protection of Indigenous People and their s.35 rights in various sections, like it does for the protection of the environment and the public, including the following sections of the OPR: 6; 6.5(1) (g), (i), (j), (k), (m), (q); 12(c); 19(a) and (b); 21; 27; 30 (a) and (b); 32 to 35; 39; 40; 46; 47; 48; 49; 53(1) (b) and (d); and 55(1).

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**

The OPR must work with Indigenous Nations, including the MNA, to define 'heritage resources' before any other work can be done in relation to heritage resources. The definition needs to make clear what does and does not qualify as heritage resources, and what does and does not need protection. The definition needs to consider not only historical areas and material culture (artifacts), but also living/contemporary sites, areas, and material culture.

The OPR should emphasize prevention as part of its policy in the protection of heritage resources. Effective, early, and regular consultations with the MNA (among other relevant Indigenous Nations) will be one part of the preventative policy. The CER, companies, and Indigenous Nations and groups should work collaboratively to identify areas of concern (such as cultural sites, traditional land use areas) or 'heritage resources' in advance of construction or disturbance. Indigenous Knowledge is extremely valuable and will contribute greatly to identification of areas which may have heritage resources. It is essential that Indigenous consultation begin very early in the project to be able to incorporate Indigenous Knowledge

most effectively. Furthermore, OPR requirements around heritage resources (including requirements for contingency plans) need to be redeveloped with MNA involvement and collaboration. It is essential that the MNA is involved in the development of requirements around heritage resources (which includes Métis heritage resources) because any potential Métis heritage resources need to be treated with respect according to Métis values and customs.

Indigenous monitoring programs also contribute to the protection of heritage resources on a pipeline right-of-way during construction, however, Indigenous monitors chosen must collectively be representative of all affected Indigenous communities and must be accountable to their respective communities. Accountability requirements can be developed with each Indigenous Nation to suit the needs of that Nation, as well as the needs of the CER/company.

The avenue that the OPR chooses in terms of how it approaches heritage resource requirements/regulations could greatly contribute to reconciliation. There are some heritage resources/heritage resource sites which are of extreme significance to the MNA and should not be disturbed even if it requires the company to alter their plans. In cases where these heritage resources of significance are found during construction, coordination with the MNA and other Indigenous Nations to determine what will happen with the heritage resource(s)/heritage resource site(s) is essential. A community-led approach which prioritizes the protection of the heritage resource, as well as community involvement in any recovery plan can include providing space for reconnection with ancestors to Indigenous communities as well as providing opportunities for intergenerational knowledge transfer (e.g., transmission of Indigenous Knowledge from Elders to youth).

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?**

S. 21 of the OPR states "After a pipeline is constructed, the right-of-way and temporary work areas of the pipeline shall be restored to a condition similar to the surrounding environment and consistent with the current land use." The restoration of right-of-way and temporary work areas must be done in collaboration with Indigenous Nations such as the MNA where impacts may be identified. Furthermore, language in this policy should be adjusted to require companies to restore the land to the same or better/healthier than it was before, the term 'similar' is not sufficient especially considering that the conditions around the restoration area may not have been sufficiently restored itself.

The CER should include in s.30 (a) the following in bold "the maintenance activities do not create a hazard to the public, the environment, **or to Indigenous Peoples or the practice of their s. 35 Aboriginal rights of the Constitution Act, 1982**."

The OPR can also make sure that it is keeping open and consistent communication with Indigenous Nations, including the MNA, and requiring companies to do the same. The OPR can contribute to the protection of traditional land and resource use, and sites of significance for Métis people by requiring meaningful consultation with the MNA and requiring avoidance of identified sites. The best way to protect these sites is to leave them alone.

The OPR should also require that companies provide access to any Métis land users for cultural and spiritual purposes whose access might otherwise be restricted by pipeline activity.

Employees should be required to undergo cultural sensitivity training specific to Indigenous land use and culture prior to working on any land relevant to Indigenous communities. This training should not take a pan-Indigenous approach, and rather should work with relevant Indigenous Nations to develop training specific to their community. Employees should undergo the cultural sensitivity training of any Indigenous Nation which uses the land they are working on. Training programs should be regularly updated, and employees should retake the training periodically.

Similar to the previous question, an Indigenous monitor program would be an effective protective measure for traditional land and resource use and sites of significance if it were implemented in such a way that the program is not pan-Indigenous, it is developed with the cooperation of Indigenous Nations, the monitors represent all the affected Indigenous Nations, and the monitors are accountable to their Nation.

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

The inclusion of an Indigenous Protection and Collaboration program, and Engagement Process program would be used in the constructive implementation of Indigenous Knowledge in the OPR. There should be mandatory consideration and gathering of Indigenous Knowledge **in collaboration with Indigenous Nations and Governments** to be used to inform the management practices within the OPR. It is important for consultation with Indigenous Nations and Governments (such as the MNA) to be conducted at this level rather than with individual Indigenous people, as the Nations and governments are authorized to represent the interests of the Indigenous group as a whole, including the protection of their collectively-held Aboriginal s.35 rights. This could include (but is not limited to) Indigenous Nations being involved in choosing the location of the project's footprint (including stations, compressor stations, pump stations, and storage facilities) placement and considerations of its operations impacts to s.35 rights and the environment (s.9-13 of the OPR). Another example is in s.21, the reclamation of land should involve the inclusion and integration of Indigenous Knowledge in any reclamation plan, as well as s.22, as there may be impacts to s.35 Aboriginal rights by the interference or loss of access to practice those rights.

Indigenous Knowledge should be included as a requirement in the development of emergency procedures where emergency management plans are referenced in the OPR (s. 32-35 of the OPR). This is elaborated on further in question 25.

S.39, related to Surveillance and Monitoring should include the following in bold "A company shall develop a surveillance and monitoring program for the protection of the pipeline, the public, the environment, **Indigenous Peoples and their s.35 Aboriginal rights of the Constitution Act, 1982**." Furthermore, the surveillance and monitoring program should be developed in collaboration with Indigenous Nations to ensure there are Indigenous Monitors or an Indigenous Monitoring program that is/are **accountable to the impacted Indigenous Nation(s).** As well as requiring co-developed communications strategies that necessarily engage the governance structure of Indigenous nations in the event of an incident in the OPR (s.32 (1); s.33; s.34; and s.51(1). Indigenous Knowledge is also integral in the development of an Indigenous Monitoring program.

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

The OPR can contribute to reconciliation with the MNA by adhering to already established processes, as outlined in the MNA-Canada Consultation Agreement (2018) (**Appendix A**) and respecting our Harvesting Areas (**Appendix B**). The CER and OPR should not take a rigid pan-Indigenous approach. Each Indigenous community is distinct from the others and therefore there is not one approach which will suit all Nations. Working with the MNA to develop MNA specific plans and approaches to each of these questions will be vital to the advancement of reconciliation. We will work together to determine what the obligations of each party are to the other, and what criteria would trigger MNA involvement in a pipeline project.

The OPR should recognize the unique needs of Indigenous employees and affected Indigenous communities, as well as the additional Indigenous specific struggles that they experience. These needs can be addressed by the OPR requiring companies to be proactively providing opportunities for Indigenous employees and affected communities to voice their opinions, knowledge, and concerns in a safe environment where their contributions will be taken seriously and incorporated in relevant policies and decisions.

Furthermore, the OPR needs to be clear about how companies will remain accountable to the Indigenous communities they are consulting with. One way that the OPR could remain accountable to Indigenous communities would be through creating an 'Indigenous Protection and Collaboration Program' in the OPR. This program would focus on ensuring that companies develop and maintain relationships with Indigenous stakeholders including the MNA. The program would also function as a means of oversight for the OPR in anticipating, preventing, managing, and mitigating any potential or established adverse effects on Indigenous rights as a

result of company activity. Overall, the CER would be able to hold companies more accountable with this required program, like they are with environmental protection, which will in turn provide more accountability to Indigenous Nations and Governments.

As stated in the answer to question 5, s.39 of the OPR, related to Surveillance and Monitoring, should include the following in bold "A company shall develop a surveillance and monitoring program for the protection of the pipeline, the public, the environment, **Indigenous Peoples and Indigenous s. 35 rights**." The surveillance and monitoring program should be developed in collaboration with Indigenous Nations to ensure there are Indigenous Monitors or an Indigenous Monitoring program that is/are **accountable to the impacted Indigenous Nation(s)**. It is not sufficient to hire monitors who are only culturally Indigenous or Metis if they are not also sufficiently accountable to the Indigenous Nation as a representative government.

Section Three: Engagement and Inclusive Participation (q. 7-10)

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

The OPR can support collaborative interaction between companies and those who live and work near pipelines by hosting accessible and regular community consultations. Some considerations should include meetings which are: in-person as well as virtual (video and audio, and audio only); held in the morning, afternoon, and evening, as well as asynchronously; offer translators/interpreters as needed for any community members who are not fluent in English (to remove language barriers or errors in translation); held in a group setting (large and small) and with options for on-on-one meetings to ensure that people are comfortable in their setting; hosted by the CER and company employees trained in cultural sensitivity and people who are sensitive to the struggles and perspectives of others who they cannot directly relate to in order to avoid discrimination. The above considerations are not comprehensive, and the MNA would advise on additional best practices related to collaborative interactions between companies and those living, working, and using land near pipelines. All groups have something to offer, and these consultations should educate the community on what the project is and the ways it may affect the community which have already been identified. The consultation should also educate the company/OPR on diverse perspectives of issues and concerns specific to each project by recruiting a diverse set of people to the consultations.

There should be equal training on the understanding and respect of Indigenous s.35 rights as there is to responsible environmental practices in s. 46 (2) (b) "The training program

shall instruct the employee on… responsible environmental practices and procedures in the day-to-day operations for the pipeline."

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

Collaborating with individual Indigenous Nations (such as the MNA) to develop regular and consistent communication protocols would make communication easier for all parties. The MNA already has systems in place for conducting consultations (MNA-Canada Consultation Agreement (2018)) which can be incorporated into the OPR (**Appendix A**).

In s.51 and s.52 of the OPR regarding reporting, there should be a requirement for Indigenous Nations and Indigenous Peoples practicing their rights (such as the MNA and Metis harvesters) to be informed of unplanned road closures, interruptions of utilities, and incidents related to the pipeline.

Programs which regulate company and community communication and engagement (including emergency response programs) to a set minimum standard (which allows the company to go beyond if they so wish) should be required of all companies. Clear regulations should be put into place by the OPR which set standards that can be easily enforced, as well as understood by the company and affected individuals and communities. Expectations of company communication and engagement should not be vague or unclear, and community members should be able to look at the OPR policy and easily recognize whether a project does or does not meet the set standards and how to address any concerns they may have. The CER could develop and provide tools and guides that relate the technical language of the OPR to practical and relatable situations and evaluation methods for the general public to understand.

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

The OPR could improve CER transparency by making relevant information accessible and making communication as easy as possible. The OPR could require companies to share certain relevant information on a CER database made to be accessible to all affected parties created in collaboration with those parties. This is elaborated upon further in question 14.

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**

The CER should consider ensuring that the people who are implementing the OPR come from diverse backgrounds in order to present more diverse perspectives in the implementation and interpretation of the OPR. The CER should consider how this group implementing the OPR compares to the people who are impacted, and if not, how they can learn and better understand those perspectives (e.g., cultural groups such as Metis peoples, First Nations peoples, visible minorities, gender, persons with disabilities, persons living in rural or urban settings, socio-

economic status or class, etc.). The CER should consider where there are obvious gaps in perspective between the people implementing and the people impacted, and the CER should seek to resolve that gap; expanded on in question 29, the MNA outlines how they would be willing to contribute to technical guidance on resolving gaps in perspective and understanding. Where possible, these gaps can be filled by diversifying the OPR implementation team, hiring local, and recruiting a diverse group of people who may be part of affected groups and performing external consultations. It is paramount to understand, particularly when using Gender Based Analysis Plus as an approach, that a woman's perspective and an Indigenous perspective from two separate people are not the same as an Indigenous woman's perspective as an example.

b. **those people who are impacted by the operational activities addressed in the OPR?**

A homogenous group of people who are mostly from the same background (such as an industry dominated by white cisgender men) cannot reasonably know or produce the perspectives of people from other backgrounds. Perspectives from the people impacted must be sought and respected. Simply performing consultations is not enough, there are intersecting identity factors that create barriers to participating in consultation that must first be considered. For example, if a consultation is only promoted and held online then people with limited internet access, people who struggle with technology, and people who simply do not trust the internet may not get the chance to participate. Additionally, it is important to recognize that identities are complex, therefore having a representative of each identity factor does not mean that there are no gaps. Gaps exist among the intersectionality of identity such as the experience of an Indigenous woman with a disability versus the separate experiences of an Indigenous person, a woman, and a person with disabilities.

Furthermore, it is important for the CER to understand that Indigenous Peoples will experience policies and initiatives in different ways, including often different perspectives from Metis and First Nations, and from Metis in different Regions, as they have different external and internal influences (such as gender). While many of the answers that the MNA is providing in this discussion paper refer to the importance of contacting and collaborating with impacted Indigenous Nations and governments, it is important to note that there should not be a single rigid pan-Indigenous template for collaboration in pipeline project. Each Nation is unique in their perspectives and their preference for communication, collaboration, and values, due to their distinct historical background, cultural understandings, and geographic location. This is an important and evolving area of research, and there should be more opportunities to discuss and better understand this issue from a Gender Based Plus perspective.

Section Four: Global Competitiveness (q. 11-15)

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

A growing movement on the global stage is ethical resource extraction that respects and protects the rights of Indigenous peoples on whose land the resource extraction is occurring. Creating clear policies and regulations that ensure ethical extraction and avoids Indigenous rights impacts will strengthen Canada's position in exporting energy resources internationally. These policies and regulations are needed by Indigenous Nations and governments, companies, Canada, and international stakeholders. The development of regulations and policies that clearly define what companies and regulators need to do to uphold their constitutional obligations, such as the duty to consult with Indigenous Peoples, grants certainty to the resource extraction process, reducing questions of whether Indigenous Nations will legally challenge the project due to an oversight of the company or Canada's behalf. This will result in a more predictable and timely regulatory system and less conflict for all those involved and/or impacted by pipeline projects.

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

The MNA has no comment on this subject at this time.

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

Adequate consultation with Indigenous Nations and Governments could be used as a metric, however the Indigenous Nations and Governments (and not the CER) should be the ones to determine whether or not consultation was conducted 'adequately'. This metric should not be a checkbox, but rather an assessment of how well the Indigenous group feels they have been heard and their concerns mitigated or accommodated.

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?**

While the CER has an interactive pipeline map and makes available for download information related to incidents on CER-regulated pipelines, there are additional opportunities for the CER and OPR to innovate in its use of data and digital technology.

The OPR could require more comprehensive data from companies in a geospatial format such as shapefiles, with the express purpose being to make that information available for download at a centralized location. Moving towards a more open-data solution for geospatial resources would allow Indigenous nations to import additional data into their own GIS (geographic information system) platforms which may be proprietary or contain proprietary

data. This kind of data availability is crucial in facilitating that growing desire by Indigenous Nations, including the MNA, to develop their own methods of assessing cumulative effects and other impacts that may result from pipeline construction, operation, and abandonment.

Other ways for digital innovation could be the requirement of any monitoring program to also have a digital monitoring solution, where in addition to human monitors, and 360 degree camera is also present onsite with a live internet feed viewable by a larger audience online. While this would not be a replacement for on site monitors, it offers an opportunity for greater involvement by a larger number of nations, an opportunity for training on monitoring practices to occur, and provide greater transparency to on-site activities.

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

    The MNA has no comment on this subject at this time.

Section Five: Safety and Environmental Protection (q. 16-27)

Management Systems

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?**

The OPR should include an additional subsection in s. 6 to address the protection of Indigenous Peoples and their s. 35 rights, similar to how it does for the protection of the environment.

Human and Organizational Factors

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?**

Information should be provided at all levels of employment and additional training should be provided for employees of higher influence such as those in management positions. Information could be provided digitally, perhaps through email; manually, such as handing out pamphlets and information posters around the workplace; verbally, through management and HR; in information sessions targeted at employees in non-management positions, etc. Recognition of contributions and listening to employees' ideas and experiences will offer contractors/management insight into how various policies are affect employees, rather than assuming that these policies are doing what they intended to. Methods of information-giving should be made accessible to all employees, making consideration for future employees. Consider the components internal to employees, such as physical attributes such as sight, hearing, strength, height, weight, age, injuries, etc., as well as the mental/emotional attributes of

employees, such as gender, education, mental illness, addiction, etc. Additionally, consider the components external to employees, such as relations with family and friends or coworkers, finances, or any other personal circumstances which might affect employee health and safety. Each person is unique in their identity as well as their circumstances and should be treated as such.

Programs and Plans for Safety

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

The MNA has no comment on this subject at this time.

Respect and Workplace Safety

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

Respect and personal workplace safety can be further assured by education and trust-building programs. Education should include both employees at all levels and be conducted by people informed on the issues being discussed (e.g., not the head of each department) as to ensure that information being given is portrayed accurately and any questions employees may have can be answered accurately. Education should not be limited to informational promotions such as posters, brochures, written employee notices, prerecorded video explanations, etc. Education should also include engagement, such as conversations, guided internal reflections, etc. People learn in different ways; accessible learning includes offering a variety of ways of teaching. Additionally, employees need to be able to report abusive/negligent/concerning behavior from other employees without fear of repercussion – confidentiality policies favouring the victim should be implemented and observed.

Contractor Management

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

The MNA has no comment on this subject at this time.

Process Safety

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

The requirement of involvement of Indigenous Nations and Governments of the area in process safety plans in order to assist in the development and application of systems "for the identification, understanding, avoidance, and control of process hazards to prevent, mitigate, prepare for, respond to, and recover from process-related incidents." (Discussion Paper, p.10).

The OPR should expand in s. 47 in the Safety Management Program to include this requirement, to develop safety management programs in collaboration with potentially impacted Indigenous Nations and Governments. Major accidents such as fires, explosions, and unintended releases can have significant impacts to Indigenous Peoples living near these accidents, to Indigenous Peoples practicing their s. 35 rights near or at the site of these accidents, and/or to important animal, plant and fungi species that harvested by Indigenous Peoples.

Programs and Plans for Environmental Protection

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

Companies should be considering the inclusion of Indigenous Knowledge in their environmental protection plans as a benefit to further their environmental performance. It is not productive to consider the requirement of inclusion of Indigenous Knowledge as purely a barrier to company projects and their environmental plan, but instead working in collaboration to lessen the negative impacts of a project.

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 MNA has no comment on this subject at this time.

Management of Contaminated Sites

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

There should be a clear section within the OPR related to what is required of the company in relation to contamination incidents and management of sites. Further, companies should be required to contact impacted Indigenous Nations or groups when Indigenous people or the practice of their s.35 rights may be adversely impacted by the contamination, this would include those living near the contamination site and those who conduct traditional practices on or near the site. A plan for adequately contacting and informing those impacted would require collaboration with the Indigenous Nations or groups they are a part of to ensure an adequate and comprehensive plan is developed. The Remediation Process Guide's objectives and process should protect Indigenous Peoples and the practice of their s.35 rights, as well as the environment and human health as a whole.

Emergency Management Program

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?**

Yes, the OPR should include wording requiring the recognition and protection of Indigenous Peoples and their s.35 rights in the development, implementation, and maintenance of emergency management program, as well as collaborate with impacted Indigenous Nations and groups in s.32-35 of the OPR. This should also include working collaboratively with Indigenous Nations and groups on developing emergency management programs (s.32 of the OPR); developing a communication plan and making it accessible for those living, working, or practicing their constitutionally protected s.35 Aboriginal rights near the pipeline (s.34 of the OPR); and providing an education program for the above-mentioned people regarding the location of the pipeline, emergency situations, and safety procedures to be followed (s.35 of the OPR).

Quality Assurance for Pipelines

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

The MNA has no comment on this subject at this time.

Strength of Steel Pipe Relative to Welds

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?**

The MNA has no comment on this subject at this time.

Section Six: Implementation Objectives (q. 28-29)

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

In a positive reinforcement approach, the CER could coordinate or otherwise promote discussions between companies and impacted Indigenous Nations and Governments to communicate and/or present their perspectives and internal processes to better understand how to work together collaboratively at the outset of a project.

Also, the CER must have strong and clear deterrents in place to promote compliance from companies regarding the regulations.

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

The MNA would be engaged by the CER in collaborating to develop technical guidance for companies concerning the following:

- Education of the consultation process and the Metis as a group and identity;
    - Including considerations related to developing a Gender Based Analysis Plus methodology for assessments and planning.
- Incorporation of Indigenous Knowledge (including best practices);
- Indigenous Monitoring programs;
- Indigenous rights protection and advancement;
    - Including mitigation and accommodation measures for projects;
- Indigenous heritage resources and sites, including Traditional Land Use and Resources;
- Collaboration with Indigenous Nations and governments (including best practices).

Appendix A

MNA – Canada Consultation Agreement (2018)

CONSULTATION AGREEMENT

Between

THE MÉTIS NATION OF ALBERTA
which has incorporated the Métis Nation of Alberta Association
as its legal and administrative arm
as represented by its President
("MNA")

-and-

THE GOVERNMENT OF CANADA
as represented by the Minister of Indian Affairs and Northern Development
("Canada")

(hereinafter referred to collectively as the "Parties" and individually as a "Party")

WHEREAS section 35 of the *Constitution Act, 1982*, states that "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" and "the 'aboriginal peoples of Canada' includes the Indian, Inuit and Métis peoples";

WHEREAS Canada recognizes the Métis Nation as a distinct Aboriginal people that emerged with its own collective identity, language, culture, way of life, and self-government in the historic Northwest prior to Canada's westward expansion following Confederation and that the Métis Nation continues to exist as a distinct Aboriginal people today;

WHEREAS the citizens of the Métis Nation who reside in what is now the province of Alberta comprise and are collectively referred to as the Métis Nation within Alberta (the "Métis Nation within Alberta");

WHEREAS the MNA is mandated to represent its citizens through a centralized registration system by which MNA citizens voluntarily authorize the MNA to promote, pursue, and defend Aboriginal, legal, constitutional, and other rights of Métis in Alberta and Canada;

WHEREAS the MNA's citizens are represented through the MNA's Provincial Council, Regional Councils, and Local Councils, which work—together—to provide democratic, effective, and accountable representation of MNA citizens across Alberta;

WHEREAS the MNA, through its registry and democratically elected governance structures at the local, regional, and provincial levels, is mandated and authorized to represent the citizens who comprise the Métis Nation within Alberta, including dealing with collectively held Métis rights, interests, and outstanding claims against the Crown;

WHEREAS Canada is committed to working on a nation-to-nation basis with the Métis Nation through bilateral, government-to-government negotiations with the MNA to advance reconciliation and renew the Parties' relationship though cooperation, respect for Métis rights, and ending the *status quo*;

WHEREAS the Crown has a legal and constitutional duty to consult and, if appropriate, accommodate Aboriginal peoples when the Crown has actual or constructive knowledge of an asserted or established Aboriginal right, interest, or claim that might be adversely affected by contemplated Crown conduct;

WHEREAS, as expressed in the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories, and resources;

WHEREAS, as expressed in the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, Canada recognizes the right of Indigenous peoples to participate in decision-making in matters that affect their rights through their own representative institutions and the need to consult and cooperate in good faith with the aim of securing their free, prior, and informed consent;

WHEREAS the Parties wish to establish a process that will guide consultations when Canada has a legal obligation to consult.

The Parties agree as follows:

1. PURPOSE

1.1 The consultation process described in this Consultation Agreement (the "Agreement") is available whenever Canada wishes to conduct consultation on the record and with prejudice with the MNA respecting potential adverse effects of contemplated federal Crown conduct on the established or asserted Aboriginal rights, claims, or interests of the Métis Nation within Alberta.

1.2 The Parties intend that the consultation process described in this Agreement be the preferred choice for consultation by Canada with the MNA.

1.3 This Agreement does not constitute a commitment by any Party to reach agreement or to undertake consultation with respect to any particular decision, activity, or subject matter.

1.4 This Agreement does not prevent the Parties from engaging in consultations independent of this process or from concluding other consultation agreements.

1.5 The Parties agree that Canada may also engage with the MNA through this Agreement for decisions and/or activities for good governance or policy reasons and not specific to section 35 rights.

2. THE MNA'S APPROACH TO CROWN CONSULTATIONS

2.1 The MNA's citizens have authorized the MNA to deal with their collectively-held Métis rights, claims, and interests. The MNA's Provincial Council, Regional Councils, and Local Councils work together to ensure that the Crown's duty to consult with the Métis Nation within Alberta is meaningfully discharged.

2.2 The MNA has developed and adopted Regional Consultation Protocol Agreements that facilitate effective Crown consultation through the MNA's governance structures at the local, regional, and provincial levels regarding contemplated Crown conduct that may impact the rights, claims, or interests of the Métis Nation within Alberta.

2.3 Each MNA Regional Consultation Protocol Agreement sets out the roles and responsibilities of the MNA Provincial Council and signatory MNA Regional Council and Local Council(s) in the Crown consultation process and establishes a Regional Consultation Committee as the sole authority for making decisions regarding the conduct of Crown consultation on behalf of the MNA citizens residing in a specified region.

2.4 The establishment of Regional Consultation Committees is undertaken at the sole discretion of the MNA pursuant to its internal processes. Existing MNA Regional Consultation Committees are set out in Annex A. Where the MNA establishes additional MNA Regional Consultation Committees that it intends to be subject to this Agreement, it will provide Canada with reasonable notice thereof. Canada will work with the MNA to ensure the application of this Agreement to any such additional MNA Regional Consultation Committees, including by amending Annex A as necessary.

2.5 Each MNA Regional Consultation Committee is comprised of the president or the designated representative of the president of the MNA's Provincial Council and the signatory MNA Regional Council and Local Council(s).

2.6 The Regional Consultation Protocol Agreements provide for the establishment of Regional Consultation Offices to support the MNA Regional Consultation Committees.

2.7 The Regional Consultation Offices are the points of contact for the purpose of Crown consultation, and they work with the MNA Regional Consultation Committees to ensure meaningful and effective Crown consultation.

2.8 The MNA provides administrative and technical support in consultation processes with the Crown to the MNA Regional Consultation Committees through the Regional Consultation Offices.

2.9 The MNA's five steps for consultation and accommodation include:

2.9.1 Notice;
2.9.2 Provision of necessary capacity (if required);
2.9.3 Information exchange;
2.9.4 Assessing effects on Métis rights, claims, and interests; and,
2.9.5 Accommodation (if appropriate).

3. CANADA'S APPROACH TO CROWN CONSULTATIONS

3.1 Canada participates in consultations through the federal departments or other Crown agencies responsible for the contemplated conduct in respect of which consultation is sought.

3.2 Federal departments and agencies follow Canada's *Updated Guidelines for Federal Officials to Fulfill the Duty to Consult* in addition to other policies and guidelines that may exist for each department or agency.

3.3 Federal departments and agencies endeavour to take a coordinated approach to consultation and accommodation to ensure an effective and efficient process for proposed activities or actions.

3.4 Where applicable, Canada uses and relies to the extent possible on the processes of other parties (e.g. boards, industry, province) to assist it in fulfilling its duty to consult and, where appropriate, accommodate.

3.5 Where, as provided for in art. 3.4, Canada intends to rely on the process of another party to assist it in fulfilling its duty to consult and, where appropriate, accommodate, Canada shall provide timely notification as provided for in art. 5.4 of Canada's intention to rely on the said process in fulfilling its duty to consult and the extent to which it intends to do so.

3.6 Notwithstanding art. 3.4, the Crown always holds ultimate responsibility for ensuring that consultation is adequate.

4. MNA-CANADA CONSULTATION AGREEMENT ADVISORY COMMITTEE

4.1 The Parties shall establish a Consultation Agreement Advisory Committee consisting of representatives of each Party and shall meet regularly. The Consultation Agreement Advisory Committee will:

4.1.1 Exchange information regarding the progress of existing and upcoming consultation activities to facilitate improved consultation processes and community preparedness;

4.1.2 Where appropriate, conduct early engagement on upcoming projects and/or follow-up on accommodation measures;

4.1.3 Conduct an informal annual review of the application of this Agreement to determine whether the Parties are using this process regularly; if not, assess why not and, if required, consider whether amendments to the Agreement are necessary or if there are potential funding needs associated with the Agreement's implementation; and,

4.1.4 Meet annually to discuss the adequacy of this Agreement and, three (3) years after the date of signing, report to senior officials responsible for the consultation, engagement, and accommodation activities of the respective Parties on the Agreement's effectiveness and usage of it.

5. THE CONSULTATION PROCESS

5.1 The Parties agree to conduct meaningful consultations in good faith when the federal Crown contemplates conduct that might adversely affect the established or asserted Aboriginal rights, claims, or interests of the Métis Nation within Alberta by following the process set out below.

5.2 The Parties agree that the Métis Nation within Alberta, in keeping with the process set out below, has the right to participate in decision-making in matters that affect their rights and agree to the need to consult and cooperate in good faith with the aim of securing their free, prior, and informed consent.

5.3 The Parties agree that meaningful engagement with the Métis Nation within Alberta, in keeping with the process set out below, aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.

5.4 Where Canada wishes to initiate consultation under this Agreement, Canada shall provide notification in writing to the Regional Consultation Office(s) for the MNA Region(s) in which the rights, claims, and interests of the Métis Nation within Alberta have the potential to be impacted by contemplated Crown conduct. Notification shall indicate that Canada is initiating consultation with prejudice and on the record respecting the Federal Crown action.

5.5 Where Canada wishes to initiate consultation or engagement regarding legislative, policy, or other strategic, higher level decisions that have the potential to impact the Métis Nation within Alberta as a whole, Canada will send notification as contemplated in art. 5.4 to the MNA Provincial Office.

5.6 As soon as possible after the provision of notification in art. 5.4, representatives of Canada and the relevant Regional Consultation Office(s) shall meet to develop a mechanism appropriate to the circumstances to facilitate and co-ordinate meaningful

consultation and engagement with respect to the contemplated Crown conduct and to decide upon timelines acceptable to both Parties for carrying such consultations out.

5.7 Subject to art. 9.2, the mechanism referred to in art. 5.6 may include funding to allow the MNA, through the relevant MNA Regional Consultation Committee(s) and Regional Consultation Offices, to participate meaningfully in the consultation process.

5.8 In any consultation pursuant to art. 5.6, Canada will, to the extent appropriate:

5.8.1 Ensure that the MNA, through the appropriate Regional Consultation Office(s) and the process established by the applicable MNA Regional Consultation Protocol Agreement(s), is provided with relevant and sufficient information that is reasonably required to assess potential adverse impacts of the contemplated Crown conduct on the rights, claims, and interests of the Métis Nation within Alberta;

5.8.2 Engage with the MNA, through the appropriate Regional Consultation Office(s) and the process established by the applicable MNA Regional Consultation Protocol Agreement(s), so that it has an opportunity to articulate any of its concerns regarding the potential adverse impacts of the contemplated Crown conduct on the rights, claims, and interests of the Métis Nation within Alberta;

5.8.3 Seriously consider the concerns and representations of the MNA, as conveyed by the Regional Consultation Office(s) in keeping with the process established by the applicable MNA Regional Consultation Protocol Agreement(s), in relation to the potential adverse impacts of the contemplated Crown conduct on the rights, claims, and interests of the Métis Nation within Alberta by, wherever possible, demonstrably responding to the MNA's concerns and integrating the MNA's representations into the proposed plan of action;

and, if appropriate,

5.8.4 Seriously consider ways in which to mitigate any potential adverse impacts that the contemplated Crown conduct might have on the rights, claims, and interests of the Métis Nation within Alberta;

5.8.5 Accommodate the MNA's concerns.

5.9 Canada shall notify the MNA Regional Consultation Committee(s) of any decision or determination reached, including responses to the issues or concerns raised, and notification of specific accommodations, if any, as a result of the consultation.

5.10 The amount of time to be provided for each step set out above may differ depending on the contemplated Crown conduct in question. Where a Regional Consultation Office advises Canada that a timeline for the consultation established pursuant to art.

5.6 is insufficient to ensure the meaningfulness of the process, Canada and the relevant Regional Consultation Office shall endeavour to agree on a revised, mutually acceptable timeline.

5.11 Where consultations or engagements are conducted following a notice provided to the MNA's Provincial Office as contemplated in art. 5.5, the consultation process set out above will apply, with the MNA's Provincial Council fulfilling the role of the MNA Regional Consultation Committee(s) and the MNA's Métis Rights and Accommodation Department fulfilling the role of the Regional Consultation Office(s).

5.12 Notwithstanding anything in this Agreement, any of the Parties may terminate by seven (7) days written notice any consultation conducted pursuant to this Agreement.

6. GENERAL MATTERS

6.1 This Agreement does not constitute a commitment by any Party to reach agreement within a consultation process in respect of any particular contemplated Crown conduct.

6.2 Nothing in this Agreement is intended to alter any statutory or regulatory requirements to which Canada is subject or to replace any consultation processes established pursuant to such requirements.

6.3 This Agreement is not subject to negotiation privilege and may be tendered as evidence in a court of law or other legal proceedings.

6.4 This Agreement is without prejudice to Canada's obligations to other s. 35 rights-bearing Aboriginal groups.

6.5 Nothing in this Agreement is intended to:

6.5.1 Alter or define any Crown duty to consult and, if appropriate, accommodate;

6.5.2 Prevent the MNA from relying on any constitutional, common law, or statutory right it may have respecting the Crown's duty to consult;

6.5.3 Represent the views of or be interpreted as admissions by either of the Parties with respect to the nature and scope of any duty to consult and, if appropriate, accommodate;

6.5.4 Prevent the MNA from seeking judicial review of any Crown conduct on the basis of a failure of the duty to consult and, if appropriate, accommodate; or,

6.5.5 Recognize, deny, create, extinguish, abrogate, derogate from, or define any Aboriginal rights, claims, or interests of the Métis Nation within Alberta.

7. CONFIDENTIALITY

7.1 The terms and conditions of this Agreement are not confidential and may be made public and tendered as evidence in a court of law or other legal proceedings.

7.2 In respect of any consultation conducted pursuant to this Agreement, records and information may be provided and received in confidence. In each case where information is intended to be provided, received, and held in confidence, the Party providing the information shall so notify the other Party. Both Parties shall determine whether the records or information in question should be provided, received, and held in confidence. If the Parties determine the records or information should be provided and received in confidence, the record shall be so marked and any other record containing the information will also be marked to indicate it was provided and received in confidence. It is the intention of the Parties that any such record and information be held in confidence, unless such disclosure is required by law.

7.3 Unless otherwise agreed to, and notwithstanding art. 7.2, any records or information provided in confidence to any federal department or agency consulting under this Agreement shall be deemed to have been provided as confidential to the Government of Canada and may be shared freely amongst federal departments and agencies for the purposes of the consultation activity, and, unless otherwise specified by the Party providing the confidential information, for the purposes of other consultations between the Parties.

7.4 When records and information provided and received for a consultation between the Parties is used by Canada for the purposes of a different consultation with the MNA, Canada shall verify with the appropriate Regional Consultation Office(s) or the MNA's Métis Rights and Accommodation Department, as the case may be, that the records or information are relevant and complete.

7.5 Nothing in art. 7.2 is intended to prevent any Party from tendering as evidence in a court of law, or other legal proceedings, records and information provided, received, and held in confidence by the Parties to the consultation if the record or information is relevant to whether a duty to consult was or was not met or fulfilled.

8. PARTIES MAY PROCEED WITHOUT PREJUDICE

8.1 Notwithstanding any other provision of this Agreement, the Parties to a consultation under this Agreement have the option of determining on mutual consent that, at any time prior to or during the consultation, discussions may be held and information exchanged until further notice on a without prejudice basis in order to permit frank, cooperative, and solution-oriented interaction without concern for the legal significance of admissions, concessions, positions, and discussions for the period of time specified or agreed upon.

9. FUNDING FOR CONSULTATIONS

9.1 Contribution funding as determined by the Department of Indian and Northern Affairs may be provided to the MNA to assist in the operations of the MNA's Métis Rights and Accommodation Department and its Regional Consultation Offices in order to support capacity to participate in Crown consultation under this Agreement and to participate in the Consultation Agreement Advisory Committee. Such funding will be provided based on consideration of an annual budget submitted by the MNA and subject to annual appropriations by Canada.

9.2 Taking into consideration art. 5.7, each of the federal departments and other Crown agencies who are engaged in a consultation with the MNA conducted pursuant to this Agreement will, if requested, consider whether or not, and, if so, how to provide support, including funding, to assist the MNA with respect to such consultation.

9.3 For greater certainty, nothing in this Agreement shall be interpreted as denying or limiting the MNA's access to additional funding for project-specific Aboriginal consultation provided through federal departments or other Crown agencies.

10. TERM OF THE AGREEMENT

10.1 This Agreement will come into force and effect on its execution and will continue in force and effect unless terminated by one or more of the Parties upon ninety (90) days written notice to the other Party.

11. AMENDMENT

11.1 This Agreement may be amended with the written consent of the Parties.

IN WITNESS WHEREOF the Parties hereto have signed this Agreement:
EN FOI DE QUOI, les parties ont signé la présente entente:

MÉTIS NATION OF ALBERTA by:
Pour la **NATION MÉTISSE DE L'ALBERTA**:

[redacted]
President, Métis Nation of Alberta
Présidente, Nation métisse de l'Alberta

Date: July 19 2018

[redacted]
Witness
Témoin

Date: July 19 2018

[redacted]
Co-Minister for Métis Rights and Accommodation
Co-ministre des droits Métis et de l'accommodement

Date: July 19 2018

[redacted]
Witness
Témoin

Date: July 19 2018

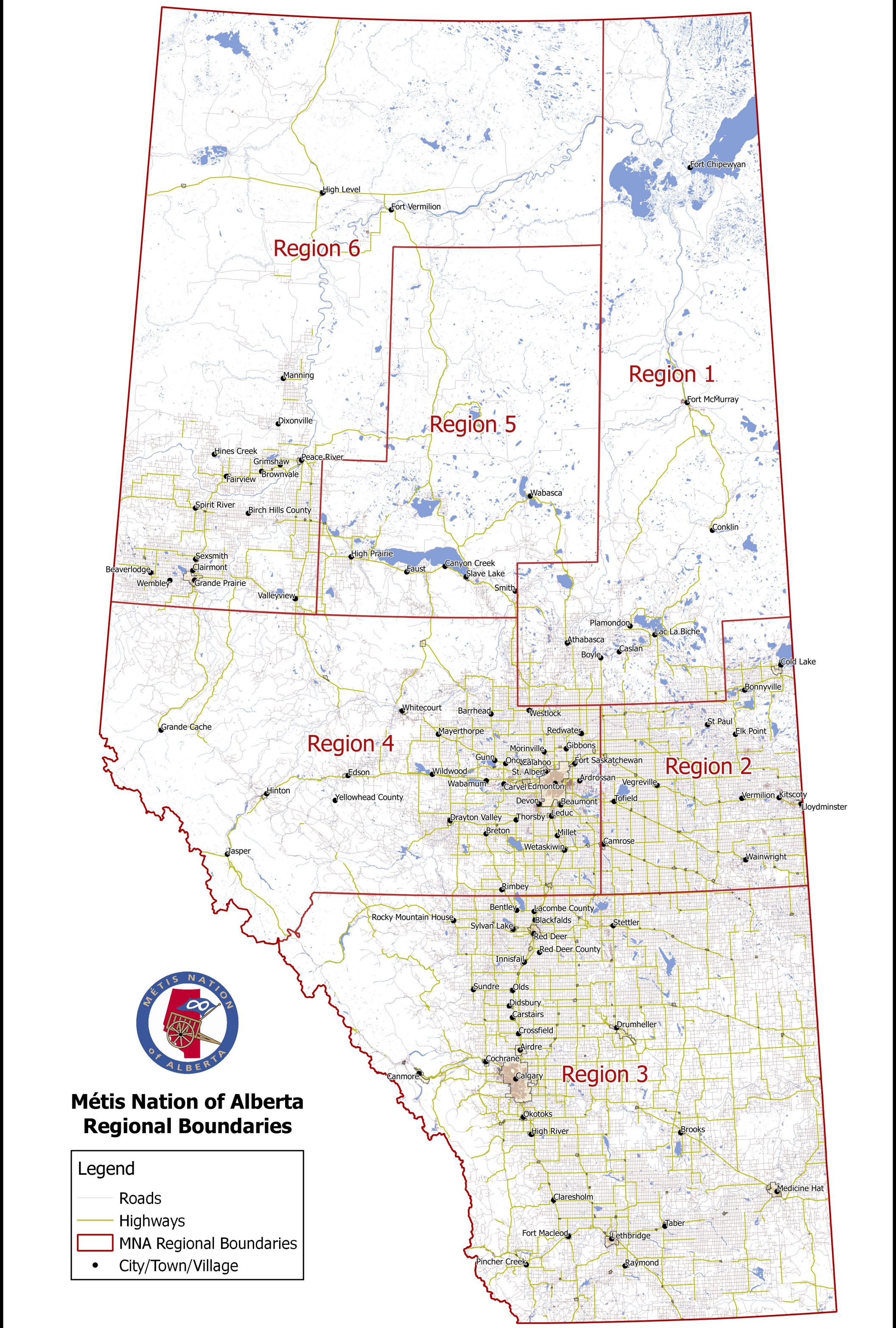
HER MAJESTY THE QUEEN IN RIGHT OF CANADA by:
Pour **SA MAJESTÉ LA REINE DU CHEF DU CANADA**:

[redacted]
Minister of Crown-Indigenous Relations
Ministre des Relations Couronne-Autochtones

Date: July 19 2018

[redacted]
Witness
Témoin

Date: 19.7.2018



Métis Nation of Alberta Regional Boundaries

Legend

- Roads
- Highways
- MNA Regional Boundaries
- City/Town/Village

MNA Region 1 Consultation Office	[redacted] **- Consultation Coordinator** P.O. Box 1350 10104 – 102 Avenue Lac La Biche, AB T0A2C0 (780) 623-3039 Office (780) 623-2733 Fax [redacted] **Consultation Notifications Email:** MNAR1notifications@metis.org
MNA Region 2 Consultation Office	[redacted] **- Consultation Coordinator** 5102 – 51 Street Bonnyville, AB T9N 2H1 (780) 826-7483 Office [redacted] **Consultation Notifications Email:** MNAR2notifications@metis.org
MNA Region 3 Consultation Office	[redacted] **- Consultation Coordinator** 1530 – 27 Ave NE Calgary, AB T2E 7S6 (403) 569-8800 Office [redacted] **Consultation Notifications Email:** MNAR3notifications@metis.org
MNA Region 4 Consultation Office	**TBD** **Consultation Notifications Email:** MNAR4notifications@metis.org
MNA Region 5 Consultation Office	[redacted] **- Consultation Coordinator** 353 Main Street NW Slave Lake, AB T0G 2A3 (780) 849-4654 Office [redacted] **Consultation Notifications Email:** MNAR5notifications@metis.org
MNA Region 6 Consultation Office	[redacted] **- Consultation Coordinator** 9621 90 Ave. Peace River, AB T8S 1G8 (780) 624-4219 Office (780) 624-3477 Fax [redacted] **Consultation Notifications Email:** MNAR6notifications@metis.org
MNA Provincial Head Office	**Métis Nation of Alberta - Consultation** #100-11738 Kingsway NW Edmonton AB, T5G 0X5 780-455-2200 Office 780-732-3385 Fax 1-800-252-7553 Toll Free **Consultation Notifications Email:** MNAnotifications@metis.org

Appendix B

Harvesting Areas Map