



Williams Lake
FIRST NATION

Onshore Pipeline Regulations Review Discussion Paper

Submitted by: Williams Lake First Nation

Submission Date: July 30, 2022

Section 1: OPR – Lesson Learned

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

The implementation of the Onshore Pipeline Regulations (OPR) has set new measures to further enhance pipeline company liability and accountability around spill response. Along with the new measures, Williams Lake First Nation (WLFN) is particularly interested in the development of a strategy with industry and First Nations communities as this is key to developing good working relationships with First Nations communities. There are many variables that need to be consistently addressed such as the environment, technology, and fundamental economic problems. These regulations should be reviewed and assessed on a case-by-case basis to ensure that nothing is missed throughout the process of delivering safe and efficient onshore oil and gas pipelines.

Section 2: Reconciliation with Indigenous Peoples

2. How can the OPR contribute to the advancement of Reconciliation with Indigenous Peoples? **SCA TO RESPOND**
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? **SCA TO RESPOND**
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? **SCA TO RESPOND**

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

6. How can the OPR address the participation of Indigenous Peoples in pipeline oversight? **SCA TO RESPOND**

Section 3: Engagement and Inclusive Participation

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

Although the Williams Lake First Nation (WLFN) is not directly affected by a pipeline, WLFN can be indirectly affected should there be a breach from other communities' waterways. This could be potentially dangerous to WLFN's habitat, wildlife and environment on the Secwepemc traditional territories. Consistent interaction between stakeholders and those who live and work near pipelines is crucial not only for their safety but for the continuation of an open, honest and transparent relationship.

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

To date, WLFN is not directly affected by a pipeline but in general communication and engagement have been satisfactory.

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

Assurance to stakeholders that regulatory decisions are made based on panels of decision makers that are able to enhance the transparency of said decision (e.g., procedural updates). This should be discussed to stakeholders in an easy-to-read format and not through the legal acts that correspond to these decisions.

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

- a. Those people implementing the OPR; or
- b. Those people who are impacted by the operational activities addressed in the OPR? **SCA TO RESPOND**

Section 4: Global Competitiveness

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

No specific response.

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

No specific response.

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

No specific response.

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?

No specific response.

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

No specific response.

Section 5: Safety and Environmental Protection

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? **SCA TO RESPOND**

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? **SCA TO RESPOND**

18. How can the OPR improve the connection between company safety manuals and the overarching Safety Management Program, for both employees and contractors? **SCA TO RESPOND**
19. How can respect and personal workplace safety be assured at CER regulated sites? **SCA TO RESPOND**
20. How should the CER be more explicit about requirements for contractor management? **SCA TO RESPOND**
21. How should the OPR include more explicit requirements for process safety? **SCA TO RESPOND**
22. How can the OPR drive further improvement to the environmental performance of regulated companies? **SCA TO RESPOND**
23. How can the connection between the Environmental Protection Plan, specific to an individual pipeline, and the company's Environmental Protection Plan, designed for a company's pipeline system, be improved? **SCA TO RESPOND**

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

The contaminated site management requirements are satisfactory to understand. The recent Final Audit Report by PKM Cochin ULC dated February 17, 2022, clearly defined next steps and conclusions for CER to complete which was a CAPA Plan that details how the non-compliant findings will be resolved and a audit close-out letter will be completed. WLFN finds that this is a satisfactory way to determine environmental hazards, especially since the document is made available for the public which is great for transparency.

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

Not applicable.

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

The Quality Assurance Program is satisfactory to Williams Lake First Nations standards.

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

No specific response

Section 6: Implementation Objectives

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

No specific response

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

No specific response



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Section 1: OPR – Lesson Learned

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

The implementation of the Onshore Pipeline Regulations (OPR) has set new measures to further enhance pipeline company liability and accountability around spill response. Along with the new measures, Williams Lake First Nation (WLFN) is particularly interested in the development of a strategy with industry and First Nations communities as this is key to developing good working relationships with First Nations communities. There are many variables that need to be consistently addressed such as the environment, technology, and fundamental economic problems. These regulations should be reviewed and assessed on a case-by-case basis to ensure that nothing is missed throughout the process of delivering safe and efficient onshore oil and gas pipelines.

Section 2: Reconciliation with Indigenous Peoples

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

The OPR (1999) and its 2022 Review can contribute to the advancement of Reconciliation with Indigenous Peoples in several ways. The involvement of Indigenous nations in the review, drafting, and approval of new and updated regulations is a step towards Reconciliation, as the original 1999 Regulations were drafted without Indigenous input or approval, despite the location of all pipelines on traditional Indigenous territory. The OPR can also support Reconciliation by providing Indigenous nations with a regulatory framework through which they make exert the cultural, economic and environmental stewardship of their traditional territories in a meaningful way.

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 can contribute to the protection of heritage resources on a pipeline right-of-way during all phases of operation (construction, operations, maintenance) by establishing a set of standards and guidelines that is consistent with both Indigenous-led cultural heritage standards and practices, as well as provincial heritage management regulations. At WLFN, we are of the opinion that existing provincial heritage legislation is insufficient to protect cultural heritage and traditional use resources, and therefore have established a nation-wide policy, including guidelines, as to how work should be conducted. By integrating the heritage policies of Indigenous nations into the OPR, and not just provincial heritage regulations, a higher standard of care and protection of heritage resources will occur on pipeline projects.

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?

Similar to heritage resources, the OPR can contribute to the protection of traditional Indigenous land, resources, and sites of significance by establishing a set of standards and guidelines that enshrines Indigenous stewardship and land management objectives in addition to provincially legislated standards. For example, if the OPR required that traditionally used topographic features, such as cliff faces, required an automatic management buffer, resources associated with these site types would be more likely to be protected during all phases of pipeline operations and maintenance.

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

The use of Indigenous knowledge can be addressed in the OPR in several ways. Primarily, Indigenous knowledge can be used to inform the OPR Review, and the subsequent set of regulations drafted. Indigenous knowledge, in the form of traditional environmental/ecological knowledge, cultural land use, and traditional use practices can be incorporated in setting management goals and objectives. These goals and objectives can then be translated into measurable standards that are enforceable via OPR regulation.

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

The OPR can address the participation of Indigenous Peoples in pipeline oversight in several ways. First, the OPR can enshrine the rights of Indigenous nations within whose traditional territories' pipelines are located to exercise stewardship and decision-making power. These rights can be enshrined both through regulations (ie. setting the Nations as decision makers in the regulation itself), and through operational and methodological guidelines that ensure that the needs and requests of Indigenous nations are being met.

Section 3: Engagement and Inclusive Participation

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

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

To date, WLFN is not directly affected by a pipeline but in general communication and engagement have been satisfactory.

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

Assurance to stakeholders that regulatory decisions are made based on panels of decision makers that are able to enhance the transparency of said decision (e.g., procedural updates). This should be discussed to stakeholders in an easy-to-read format and not through the legal acts that correspond to these decisions.

10. Gender and other intersecting identity factors may influence how people experience policies and initiatives. What should CER consider with respect to:
 - a. Those people implementing the OPR; or
 - b. Those people who are impacted by the operational activities addressed in the OPR?

At all times during the implementation and monitoring of OPR and regulatory programs, efforts should be made at all times to ensure that safeguards and protections for individuals of all genders and intersecting identities are enshrined within the regulations themselves to ensure compliance across all industry activities. Gendered language should be excluded from all regulations and operational guidelines – it is not necessary, and may make some individuals feel excluded and/or uncomfortable.

Section 4: Global Competitiveness

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

No specific response.

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

No specific response.

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

No specific response.

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?

No specific response.

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

No specific response.

Section 5: Safety and Environmental Protection

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 addition of numbered checklists for each section of the management system requirements would be an effective tool to support company interpretation and implementation of management requirements in a streamlined manner.

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?

No specific response.

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

No specific response.

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

Respect and personal workplace safety can be assured at CER regulated sites in a variety of ways – through legislated requirements, through employer/employee safety requirements, through the implementation of safe work management practices and policies, and through the mandated regular engagement and participation of all individuals on CER regulated sites. By enshrining worker rights and human rights protections within mandated legislative requirements and compliance standards, the CER would support and help to assure respect and personal workplace safety.

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

No specific response.

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

No specific response.

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

The OPR can set explicit standards and guidelines that ensure that high quality work is understood to be the standard, not an exception. Indigenous nations, regulatory bodies, contractors and proponents should be consulted as to what the highest possible standard of environmental performance is for each activity and/or stage of the pipeline process. Once this standard has been determined, it should be set in stone via policy and regulations.

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

The connection between the Environmental Protection Plan (EPP), specific to an individual pipeline, and the company's Environmental Protection Plan (EPP), designed for a company's pipeline system

can be improved by ensuring that there are system-wide communication protocols in-place and that each plan and/or system is standardized so that synergy can be achieved between the processes of each.

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

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Section 6: Implementation Objectives

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

No specific response.

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

No specific response.