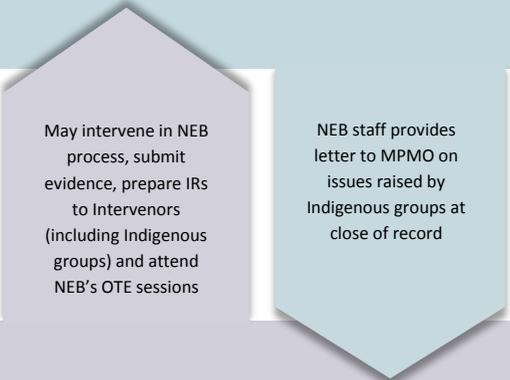


Indigenous Consultation typically undertaken for NEB Project Reviews (Sections 52 and 58.16) (subject to change according to the project)

| | Project Pre-Application | Hearing Process | NEB Recommendation and GIC Decision | NEB Lifecycle Oversight |
|------------------------|--|---|---|---|
| NEB Regulatory Process | <ul style="list-style-type: none"> The NEB requires proponent to consult with Indigenous groups in accordance with the Filing Manual (section 3.4). The proponent notifies potentially impacted Indigenous groups, provides information and opportunities to discuss the project, and identifies concerns, potential impacts and mitigation measures to address impacts. The NEB conducts traditional territory analysis and collaborates with MPMO and federal departments to identify potentially impacted Indigenous groups, sends letters explaining the NEB Process and appends MPMO letter. The NEB conducts follow-up phone calls with Indigenous group The NEB conducts meetings with Indigenous groups in their community upon request and explains its regulatory process and Participant Funding Program. | <ul style="list-style-type: none"> NEB issues Hearing Order. Steps in the hearing often include an application to participate process, written evidence, Oral Traditional Evidence (OTE), Information Requests (IRs), cross-examination, comments on draft conditions, and final argument. Process advisor support is provided for all hearing participants, including Indigenous people. Participant funding is provided to assist potentially-impacted Indigenous groups participating in the hearing process. The NEB hearing process is designed to obtain as much relevant evidence as possible on Indigenous concerns about the project, potential impacts on Indigenous interests, and possible mitigation measures to minimize adverse impacts on Indigenous interests. | <ul style="list-style-type: none"> The NEB assesses all of the information provided to it, including information on project-related impacts on Indigenous interests and possible measures to mitigate impacts. The NEB applies its technical expertise and regulatory experience to determine the residual impacts on Indigenous interests and balances those with the other societal interests at play when assessing a project. This is documented in the NEB's Recommendation Report. The NEB's Recommendation Report is made public upon submission to GIC. GIC has final decision on whether to approve, reject, or refer the recommendation, terms, or conditions, back to the NEB for reconsideration. | <ul style="list-style-type: none"> If the GIC approves the project, the NEB enforces proponent compliance with conditions and other regulatory requirements (e.g. <i>NEB Onshore Pipeline Regulations</i>, <i>NEB Pipeline Damage Prevention Regulations</i>). Proponent's consultation program must continue throughout the lifecycle of the project. The NEB undertakes environmental and safety oversight throughout the lifecycle of the project (i.e., from construction, operation, through to abandonment). Anyone with continuing concerns about impacts of the project, including Indigenous groups, can make those concerns known to the NEB, and the NEB can take remedial actions if warranted. |

Whole of Government Approach
Roles and responsibilities between Federal Authorities (ex: DFO, ECCC, TC, INAC, DOJ) are often established in written agreements* and/or best practices and coordinated through MPMO



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| <p>Processes undertaken by the Government of Canada</p> <p>The Government relies on the NEB's process to the extent possible to meet the Crown's duty to consult and accommodate</p> | <p>Early Indigenous consultation</p> <p>MPMO establishes framework/plan for the Government's Indigenous consultation and oversees consistency, transparency, accountability among multiple federal authorities</p> <p>MPMO sends letter to potentially impacted Indigenous groups explaining the Crown's approach to Indigenous consultation</p> | <p>Participates in NEB Review Ongoing meetings</p> <p>MPMO coordinates and provides updates to federal departments and agencies, as required</p> <p>MPMO assesses whether further action is required to address issues that may be beyond the proponent's control or the NEB's mandate. MPMO engages in necessary consultation, feeding relevant information back into the NEB process.</p> | <p>Ongoing meetings if necessary</p> <p>MPMO may consult on NEB Recommendation Report, seek input on Crown Consultation report and submit Crown Consultation report to Government.</p> <p>NEB staff may attend, if requested to provide process information.</p> | <p>Ongoing meetings with Indigenous groups</p> <p>If the project is approved, appropriate Government authorities (federal or provincial) consult on further regulatory permits, if necessary</p> |
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*Examples of project agreements: [Project Agreement for the Trans Mountain Pipeline Expansion Project in Alberta and British Columbia](#), [Project Agreement For The Line 3 Replacement Program In Alberta, Saskatchewan And Manitoba](#)