

Initial Indigenous Consultation Assessment

An Initial Indigenous Consultation Assessment is required to support an application under section 149(2) of *The Oil and Gas Act* for the construction permit for a new pipeline.

The applicant will complete an Initial Indigenous Consultation Assessment to determine if full consultation for the proposed project is appropriate and required. The Initial assessment will complete with final record of conclusion shall be submitted to the Branch for review and approval. This initial assessment should be submitted to the Branch at, or before, the time of application submission.

This initial assessment will be reviewed by the Branch with follow up of the law, regulation, decision or action required by the Crown.

If consultation is warranted, the appropriate level of consultation should be determined with assistance from Manitoba Justice if necessary. The nature, scope and content of a consultation may vary from situation to situation depending on the particular circumstances. Factors that influence this are strength of the case supporting the existence of the right or title and the seriousness of the potential adverse effect.

An Initial Indigenous Consultation Assessment shall be addressed to the Director of the Petroleum Branch and shall include:

- 1) Project Overview:
 - A) What is the nature of the proposed activity?
 - B) What is the purpose of the proposed activity?
- 2) Project Details:
 - A) What is the project's planned timelines and key milestones?
 - B) When are Crown decisions required? (Are there seasonal or external business restrictions that require consideration?)
 - C) What is the location or geographic application of the activity?
 - D) Is there Crown land or Crown resource involved?
 - E) What is entailed in developing the activity?
- 3) Aboriginal and Treaty Rights:
 - A) What, if any, First Nations, Métis communities or other Aboriginal communities could possibly be affected by the proposed activity? In order to address this question, the Applicant should consider whether there are: any First Nation reserve lands, recognized or asserted traditional territories or recognized aboriginal communities in the area where the activity will take place or which will be affected by the activity.
 - B) Will the proposed activity likely change the current land use? What is the potential impact of the activity on the land or natural resources?

- C) What are the potential adverse effects of the proposed activity on the exercise of Aboriginal and treaty rights (e.g. hunting, fishing, trapping, gathering)? (A liberal interpretation of rights should be used in assessing effects.)
 - D) What are the potential adverse effects of the proposed activity with respect to historical / archaeological sites, burial grounds, or other areas of Aboriginal interest? (Historic Resources Branch may be able to provide assistance in identifying known sites.)
 - E) Is there concern regarding the cumulative effects of the proposed activity / initiative in combination with others in the area?
 - F) Are there existing agreements / consultation protocols with communities that require consideration?
- 4) Known Issues or Concerns:
- A) Did the applicant of the activity seek input from First Nations, Métis Communities or other Aboriginal communities?
 - B) Was the applicant made aware of any concerns / issues by First Nations, Métis Communities or other Aboriginal communities with respect to the exercise of Aboriginal or treaty rights?
- 5) Project Urgency:
- A) Is the activity in response to an emergency circumstance?
 - B) Are there any time considerations for the activity?
- 6) Conclusions for the assessment
- 7) The submission shall be signed by an officer of the company making application.
- 8) Email the application to: Petroleum@gov.mb.ca@gov.mb.ca.
- 9) For further information, please contact (204) 945-1119 (Winnipeg).
- 10) Be aware that all information submitted within an application is considered public information.