

## TERMS OF REFERENCE

### Coordination of Crown Consultations Manitoba Hydro: Manitoba-Minnesota Transmission Project (MMTP)

### Province of Manitoba And Natural Resources Canada Major Projects Management Office (MPMO)

#### **Project Background**

The proposed Manitoba Hydro: Manitoba-Minnesota Transmission Project (MMTP) involves the construction, operation, and decommissioning of a 500 kilovolt alternating current international power line (IPL) from the Dorsey Converter Station (located near Rosser, Manitoba) to the United States border crossing located south of Piney, Manitoba, where it will connect to the 'Great Northern Transmission Line' a transmission line in Minnesota. The Project includes modifications to the existing Dorsey Converter Station, the Riel Converter Station (located near the intersection of Provincial Trunk Highway (PTH) 101 and PTH 15), and the Glenboro IPL within the Glenboro Station (located south of Glenboro, Manitoba).

#### **Purpose**

The purpose of this document is to define the working relationship between Natural Resources Canada – Major Projects Management Office (MPMO) and Manitoba to ensure a seamless and collaborative approach to Crown consultations.

#### **Goal**

The goal of working in a collaborative approach is to:

- ensure effective and efficient community processes occur, aiming to avoid duplication of efforts and resources
- share information between government and regulatory agencies to ensure each is fully informed to achieve meaningful understanding of the interests presented by the Indigenous communities
- seek ways to address and/or accommodate those interests where appropriate

#### **Objectives**

The objectives of the Terms of Reference are to:

- define the roles and responsibilities for each partner
- identify the commitments, actions, and activities for the Crown consultations
- establish information sharing and management expectations
- outline a communication strategy

#### **Roles and Responsibilities**

- Major Projects Management Office (MPMO) will provide oversight and coordination to ensure the overall consistency, accountability, and transparency of the federal Aboriginal Crown consultation effort. More specifically MPMO will:
  - in collaboration with other federal departments and agencies, evaluate the sufficiency of the review process to satisfy the federal Crown's consultation obligations, including other consultations outside of that process;
  - coordinate the involvement and provide updates to relevant federal departments and agencies regarding the environmental assessment and federal Crown consultation activities;
  - in collaboration with the province and other federal departments and agencies, assess project impacts to potential or established Aboriginal and treaty rights; and,

- for Aboriginal Crown consultation activities, maintain a Record of federal Crown consultation
- Other Federal Departments
  - Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), Health Canada (HC) and Natural Resources Canada (NRCan) may be in possession of specialist or expert information or knowledge with respect to the Project

### Province of Manitoba

The Lead provincial department for the MMTP Crown consultations is Manitoba Sustainable Development (SD), Lands Branch. Consultation coordination and file management services will be provided by Manitoba Indigenous and Municipal Relations, Agreements Management and Aboriginal Consultation Branch.

The Lands Branch of Manitoba Sustainable Development will organize a provincial Steering Committee to provide advice and guidance throughout the consultation process and appoint a Consultation Team. The Steering Committee will include representatives from provincial departments to support the consultation team and overall process.

The role of the Steering Committee is to:

- review the proposed project
- assist with the development of a Crown-Aboriginal Consultation Initial Assessment
- provide advice, guidance, and direction to meet the consultation objectives
- ensure communities' interests are addressed
- review and approve major scope, schedule, and financial changes
- resolve major issues associated with consultations, escalate as necessary
- review and analyze the issues, concerns, and accommodation measures
- approve final Report on Community Consultations

The Consultation Team comprised of representatives from Manitoba Sustainable Development, Lands Branch and Manitoba Indigenous and Municipal Relations, Agreements Management and Aboriginal Consultation Branch is responsible for the following activities:

- reports to the Steering Committee
- acts as signatory on community consultation correspondence (chair of steering committee)
- develops and distributes consultation engagement and briefing materials
- works with First Nation, Metis, and other aboriginal communities that express an interest in participating in crown consultations
- attends leadership (Chief and Council or Mayor and Council) meetings to provide information regarding the Crown consultation process and proposed project
- works with communities to jointly develop work plans for the crown consultation engagement process and funding to support the process
- attends community information sharing sessions
- responds to community questions and concerns
- prepares consultation report for Steering Committee
- reports back to the communities to advise Crown decisions and how the community information was incorporated into the decision making process

### **Manitoba's Crown Consultation Policy**

According to the Government of Manitoba "*Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other Aboriginal Communities*," the objectives of Crown consultation are:

- To ensure Manitoba informs itself and gains a proper understanding of the interests of First Nations, Métis communities and other Aboriginal communities with respect to the proposed government decisions or actions;

- To seek ways to address and/or accommodate those interests where appropriate through a process of consultation while continuing to work towards the best interests of the citizens of Manitoba;
- To advance the process of reconciliation between the Crown and First Nations, Métis communities and other local aboriginal communities.

*Manitoba Government: Framework and Guide for Crown-Aboriginal Consultations (February 1, 2010)* provides that, depending on the circumstances and where the duty to consult falls on the consultation spectrum, the Crown consultation process may involve up to four phases:

Phase I	Initial Assessment and Planning
Phase II	Community Consultation Process
Phase III	Analysis and Decision Making
Phase IV	Final Report & External Communications

### **Crown Consultations**

Manitoba's Steering Committee, with the assistance of MPMO, will engage those communities that may have an interest in the proposed project or be interested in participating in Crown consultations.

Engagement activities with communities will include at minimum:

- Written engagement (Manitoba and MPMO) to all communities included within Manitoba's Initial Assessment. Each community may receive:
  - project notification letters
  - letters to inform the community regarding Crown consultations
    - first engagement letter - introduce project, share information, and determine interest in consultations
    - second notice letter – remind of opportunity to participate in consultations
    - third notice letter – final opportunity to provide comments
    - final letter – notice of decision
  - emails/telephone calls - follow up to engagement letters, community inquiries
- Manitoba will endeavour to develop work plans and provide funding to support a consultation process consistent with the scope and scale identified in the Initial Assessment and Record of Conclusion with those communities that express an interest in being consulted on the project.

### **Consultation Coordination**

- Manitoba will:
  - endeavour to ensure coordination of effort throughout the consultation process
  - attempt to coordinate leadership meetings/community forums in a manner that creates an opportunity for MPMO to attend multiple community forums while in Manitoba
  - share all community contact information to foster a streamlined approach for MPMO to make contact with communities as required
  - provide an opportunity for MPMO to include any Federal correspondence with Manitoba's letters to communities

### **Information Sharing**

- In addition to information available on the Public Registry or the proponents web site, Manitoba will, where there is agreement by the community, provide MPMO a copy of:
  - all correspondence in relation to Crown consultations and engagement
  - community responses
  - community meeting minutes/notes including comments received through leadership meetings and community forums
  - a report that will summarize Crown consultations, including:

- engagement activities
- community comments and concerns
- how Manitoba considered the community information obtained during consultations and through the proponent engagement activities
- recommendations for licence/permit conditions required to reasonably address concerns
- A record of communication (contact log)

### **Communication Strategy**

The following tools and reports will be used to share information and facilitate the coordination of the consultation process:

- Manitoba will provide MPMO:
  - a contact log on a regular basis
  - a brief update regarding community concerns as required
  - a calendar of leadership sessions and community forums as they occur
  - a summary report on the results of the Crown consultation process
- MPMO will:
  - coordinate monthly conference calls or in person meetings as required
  - attend community meetings scheduled by Manitoba as required
  - coordinate community meetings or leadership sessions independent of Manitoba to further fulfill any Federal requirements
  - share community information that is relevant to the Crown consultation process