



Canada Energy
Regulator

Régie de l'énergie
du Canada

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Canada Energy Regulator Approach to Crown Consultation

The Government of Canada is committed to achieving reconciliation with First Nations, Métis and Inuit through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on the recognition of rights, respect, co-operation and partnership.

The Canada Energy Regulator (CER) regulates interprovincial and international pipelines and international power lines across Canada, as well as offshore renewable energy projects. The CER strives to build meaningful relationships with Indigenous peoples across the country who are potentially impacted by the infrastructure it regulates. Crown consultation is just one part of the relationship the CER has with Indigenous peoples. The Commission of the CER (Commission) is the body within the CER that makes independent decisions and recommendations on project applications. The CER's mandate includes exercising its powers and performing its duties and functions in a manner that respects the Government of Canada's commitment with respect to the rights of the Indigenous peoples of Canada.

This letter clarifies the CER's approach to fulfilling any potential duty to consult with Indigenous peoples that may arise on applications for CER-regulated projects where the Commission is the final decision maker. The CER's consultation with Indigenous peoples recognizes the [ten Principles Respecting the Government of Canada's Relationship with Indigenous Peoples](#) and federal guidance on [the duty to consult](#). The *Canadian Energy Regulator Act* (CER Act) designates the CER as an agent of the Crown. The Government of Canada has also tasked the CER to act as Crown Consultation Coordinator for these projects. Prior to the establishment of the CER, these duties were undertaken by Natural Resources Canada, through the Major Projects Management Office (MPMO).

For projects where the Commission is the final decision maker, the CER's intent is to fulfill the Crown's duty to consult through the Commission's regulatory process. The Commission has the technical expertise and mandate to consider and address project impacts, including those affecting the rights and interests of Indigenous peoples.

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Indigenous peoples identified as being potentially affected by a project application will be notified of the project application and will have the opportunity to provide comments to the Commission on the project and its potential impacts. The CER strongly encourages Indigenous peoples who are concerned that their established or potential Indigenous or Treaty rights and related interests could be affected by any project before the Commission, to make their concerns known to the Commission and to participate in any process held by the Commission. All relevant issues and concerns brought forward by Indigenous peoples will be considered by CER Commissioners with the intent that issues and concerns will be mitigated, or where necessary accommodated, to the extent possible. More detailed information about the CER's processes for reviewing project applications can be found on the [CER's website](#).

The CER also encourages potentially impacted Indigenous peoples to engage directly with the proponent of a proposed project. The CER requires companies to engage with Indigenous peoples early in the planning phase of a project if there is potential for the proposed project to affect the interests or rights of Indigenous peoples. Early engagement provides an opportunity for the proponent to make changes and address concerns before submitting an application to the CER. In undertaking the required early engagement, a company should strive to understand the rights and interests of Indigenous peoples, how a project may affect these rights and interests, and discuss ways to mitigate any potential impacts. If a project is approved, a company must continue its engagement throughout the construction, operation, and eventual abandonment of the project.

The CER encourages Indigenous peoples to review any correspondence or notice received from project proponents or the CER in order to understand the project components, the CER's assessment process, as well as any deadlines for providing comments to the CER.

As Crown Consultation Coordinator, the CER will work as necessary with other federal departments to determine how any issues or concerns raised by Indigenous peoples that may involve other areas of federal responsibility can be addressed.

If Indigenous peoples have questions about CER processes, or have concerns about a proposed project or activity, including those for which they may have not received notification, they can contact the CER for more information directly by telephone at 1-800-899-1265 or by email at IndigenousMatters@cer-rec.gc.ca.

Best regards,

Original signed by

Gitane De Silva
Chief Executive Officer