

National Energy
Board



Office national
de l'énergie

File OF-Fac-Gas-W102-2016-12 01
10 February 2017

Mr. Joseph Jobin
Chief Operating Officer
Treaty 8 First Nations of Alberta
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Dear Mr. Jobin:

Wyndwood Pipeline Expansion Project (the Project)

On 1 February 2017, the National Energy Board (Board or NEB) received the Treaty 8 First Nations of Alberta (T8FNA) letter dated 24 January 2017 (T8FNA's letter).

The Board regrets any confusion its letter of 6 January 2017 (Filing [A81214-19](#)) may have caused. The Board's letter is a courtesy notification in keeping with the Enhanced Aboriginal Engagement initiative, which aims to provide proactive contact with Aboriginal groups that may be affected by a proposed project which requires a public hearing. The Board encourages potentially impacted Aboriginal groups to participate in the assessment process for the project, and will offer to meet with Aboriginal groups to explain the Board's regulatory process and provide information on the NEB's Participant Funding Program. These notification letters are sent to each potentially impacted individual Aboriginal community as well as umbrella organizations that represent Aboriginal communities. The notification letters are followed by attempts to contact Aboriginal groups by Board staff.

Specific to T8FNA, the Board had received information that T8FNA represented Aboriginal communities who were identified as potentially impacted by the Project. In the case of the Wyndwood Project, it may be of some use to highlight the attempts Board staff have made to contact the T8FNA.

Staff faxed the Project notification letter on 6 January 2017 to the T8FNA. Staff then followed up by calling the T8FNA's office on 11 January 2017 and leaving a voicemail message. On 19 January 2017, staff sent an email to the email address available on the www.treaty8.ca website. The email contained information about an Open House the Board was holding in Chetwynd, British Columbia where T8FNA could receive answers to any questions about the Board's processes regarding the Project. As is the case with Board communication generally, each communication to T8FNA contained contact information for Board staff, who are available to answer questions or concerns, and provided the date of deadlines in regards to filing applications to participate and participant funding program applications. On 1 February 2017, the Board received the T8FNA's letter.

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The T8FNA's letter explains that the T8FNA prefers not to be notified of Board processes for this Project. The Board thanks the T8FNA for advising the Board of this preference and will no longer advise the T8FNA of Board processes in this proceeding. The Board will, however, continue to communicate with Aboriginal communities who may fall within the umbrella of the T8FNA, and who may be impacted by the proposed Project.

The Board is committed to reaching out to Aboriginal groups early in the hearing process where there is a potential impact on their interests, including rights, from NEB-regulated projects. In its letter, the T8FNA made comments about consultation. The Board requires that companies provide it with specific information regarding the consultation they have undertaken with Aboriginal groups as well as information about potential impacts on the interests, including rights, of Aboriginal groups and proposed mitigation measures to address those impacts. Once an application is filed, Aboriginal groups who have a concern about the proposed application are encouraged to participate directly in the Board proceedings and bring all relevant concerns forward. The Board understands that Crown consultation is an issue of interest to Aboriginal groups. In recent hearings, the Government of Canada has said it will rely on the Board's hearing processes, to the extent possible, to meet its duty to consult with Aboriginal peoples on NEB-regulated projects. The T8FNA stated that it expects a response to its comments. The T8FNA's letter and this letter from the Board have both been copied to Mr. Scott Clausen of Natural Resources Canada, which is the entity best placed to deal with any comments that may relate to Crown consultation.

While the deadlines for the Application to Participate and Participant Funding Program applications have passed, the Process Advisor continues to be available to provide information on the Board's processes. If you have any questions please contact Lisa Zaplachinski (Lisa Zap), Process Advisor, at Wyndwood.ProcessHelp@neb-one.gc.ca or telephone 403-390-0025 (toll free 1-800-899-1265). Further details about the hearing process can be found at www.neb-one.gc.ca/Wyndwood.

Yours truly,

Original signed by L. George for

Sheri Young
Secretary of the Board

c.c. Mr. Scott Clausen, Natural Resources Canada, Email scott.clausen@canada.ca
Mr. Matthew Mosher, Coordinator, Westcoast Energy Inc., doing business as Spectra Energy Transmission, Email mrmosher@spectraenergy.com