

Requirements for Engagement and Completing Application Information Details

6. Requirements for Engagement/Completing Application Information Details

Application information, including engagement activities, supports the activity application and is required for all oil and gas and associated activity applications. This chapter provides detailed instructions of the Commission's requirements for completing both the engagement requirements and the application information details in the Application Management System.

Consultation and engagement with land owners, rights holders and First Nations are application information tabs, like the previous chapter, but due to the specifics and importance of the pre-planning requirements for these three areas, they are detailed in this Chapter.

Each section of this chapter provides an overview of application information section, definitions and requirements to support the activity listed below. Application information detail requirements (and corresponding section number) in this chapter includes:

- 6.1 Consultation and notification
- 6.2 Rights holder engagement
- 6.3 First Nations

Application Information specific tabs are visible once a new (or amendment) application is created. Data fields are turned on or off based on the activity chosen and the technical and engineering provided in the activity detail section of the Application Management System. The validation functionality assists in ensuring all components of the application are completed. The requirements for the activity tabs are detailed in Chapter 4 of this manual.

Activity-specific tabs are only activated once a new (or amendment) application is created and is based on the activity (or activities) chosen when creating a new application. In addition, AMS is designed to pull geographic location and coordinates from the spatial data uploaded during the application creation stage

which triggers activity and land information. A globe symbol references pre-populated spatial data linked directly to the spatial files uploaded.

Chapter 6.1

Completing Application Information Details: Consultation & Notification

6.1 Consultation and Notification

Consultation and Notification (C&N) is required as part of the application process and is intended to promote communication and collaborative engagement between proponents, land owners and rights holders prior to application submission. Applicants are encouraged to adopt industry's best practices and assist in the avoidance or mitigation of any potentially adverse impacts.

Submission of an application for an oil and gas or associated activity must include additional application deliverables specific to consultation and notification. The required consultation and notification vary based on the planned activity and location of activity.

The consultation and notification tab requires specific application information details. This section includes an overview of consultation and notification, guidance regarding consultation and notification, details related to consultation and notification requirements and detailed instructions for completing the data fields within the consultation and notification tab.

Details of applicant's responsibilities to comply with OGAA and all regulations, including the Consultation and Notification Regulation (CNR), are discussed in Chapter 1 of this manual. In addition to the requirements listed in this section, Commission staff may request additional information where necessary to facilitate review of the application.

Please Note:

This manual is written as a whole and provided to industry in sections to allow permit holders to access activity chapters. It is prudent of the permit holder to review the manual in its entirety and be aware of the content in other sections of the manual.

Regulatory Requirements

The [Oil and Gas Activities Act](#) (OGAA) and the [Consultation and Notification Regulation](#) (CNR) require oil and gas applicants to conduct formal consultation and/or notification with recipients prior to submitting an application for an activity. Refer to the definition of an “applicant” and persons prescribed in Section 3 of the CNR to determine whether consultation and notification is required as part of the application.

Additional Guidance

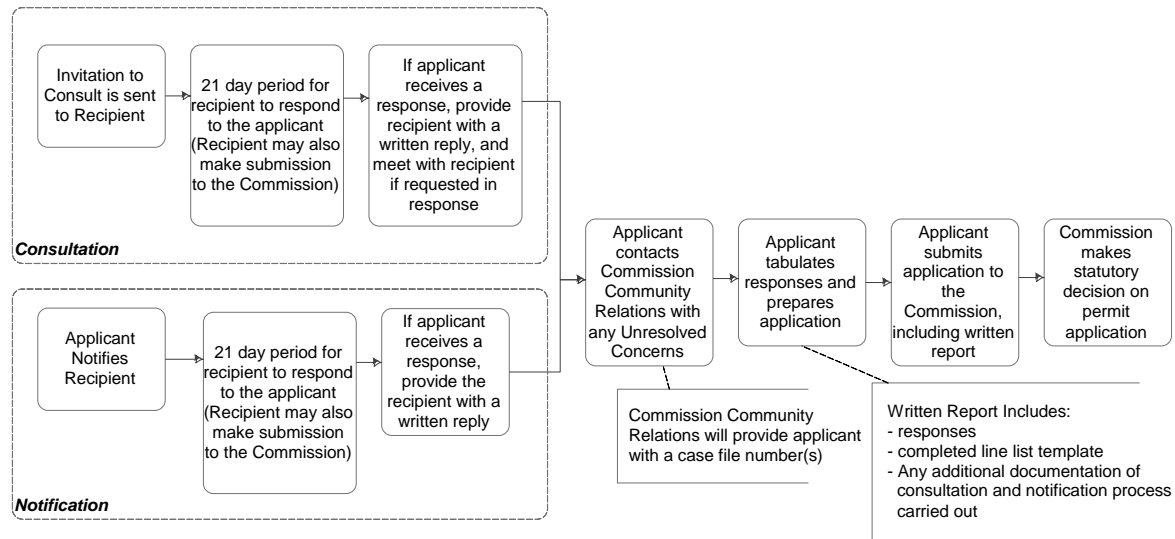
The [Commission's Land Owner Guide](#) is a resource guide specific to land owners and provides further information from the land owner and recipient point of view on the related processes. It is also an information source and reference guide for recipients of an Invitation to Consult or notification concerning oil and gas activity.

A description of collaboration between rights holders is provided in the BC Government's [A Practical Guide to Effective Coordination of Resource Tenures](#). The [Oil and Gas Trapper's Notification and Compensation Program](#) is a useful tool for industry and trappers and sets out guidelines for reasonable compensation for both parties.

6.1.1 Consultation and Notification Overview

The consultation and notification processes are similar since both provide a formalized engagement; however, the difference in obligation between the two generally arises from proximity to proposed oil and gas activities. Consultation recipients are typically closer and as such, the consultation process provides the opportunity for discussion between the applicant and the recipient. The steps in the consultation and notification process are outlined in Figure 6-A below.

Figure 6-A Consultation and Notification Process Steps



Consultation

Consultation is the exchange of information regarding proposed oil and gas activities between applicants and recipients within the consultation distance. It begins when a recipient receives an Invitation to Consult from an applicant.

Notification

Notification provides written information regarding proposed oil and gas activities to recipients within the identified notification distance. Where consultation is conducted with recipients, notification is not required.

Please Note:

Notification requirements specific to fixing the site of a pipeline are indicated in Section 23 (3) of OGAA and Section 15 of the Consultation and Notification Regulation (CNR) and detailed in Section 4.2 of the pipeline section of this manual.

Who Must Provide Consultation or Notification?

Any person or company intending to submit an application to the Commission that meets the definition of an applicant in the Consultation and Notification Regulation (CNR), including those prescribed in Section 3 of the CNR, must carry out the prescribed consultation or provide the prescribed notices, according to the CNR prior to submission of the application.

The CNR does not apply to stand-alone related activities as defined under OGAA. Specific information regarding rights holder engagement for related activities on Crown land (associated oil and gas activities) is reflected in Section 6.2 of this manual.

Where an application includes a primary activity and a related authorization, consultation and notification must be done for the entire development, not just the primary activity. The material provided in the invitation to consult and/or notice documents must include all proposed activities, not just the primary activity.

Please Note:

If an applicant offers C&N, by choice or inadvertently, the prescribed process must be followed.

Please Note:

Notification to directly impacted land owners is required even where an activity is excluded from the CNR. The applicant must provide notification to the land owner on whose land the activity is proposed under Section 22 (2) of OGAA (for initial applications) or Section 31 (1) of OGAA (for amendment applications). In specific circumstances, outlined in Section 31 (1.1) of OGAA, exemptions from land owner notification can be granted. Refer to Section 6.1.12 of this manual for information regarding exemptions from consultation and notification requirements.

6.1.2 Land Owners and Rights Holders

Land Owners

A land owner is:

- a person registered in the land title office as the owner of the land surface or as its purchaser under an agreement for sale; or
- a person to whom a disposition of exclusive use (lease, rental of property, or outright sale) of Crown land has been issued under the Land Act.

A land owner is not the Government, or a person who holds a Licence of Occupation for non-intensive occupation and use of Crown land.

Rights Holder

A rights holder is a person granted non-intensive occupation, use of or other rights over Crown land by permit, licence, or approval. Further information specific to rights holders is detailed in Section 6.2 of this manual.

If any level of government holds a tenure such that it would qualify as a rights holder, the respective agency would be consulted, not as government, but as a rights holder. Tenures that qualify entities as rights holders include:

- Licence under Section 39 of the Land Act.
- A community forest agreement, forest licence, timber sale licence, or tree farm or woodlot licence under the Forest Act.
- A forestry licence to cut under the Forest Act, if the licence is a major licence.
- A grazing permit or grazing licence under the Range Act.
- A guide outfitter's licence for Crown land, guiding territory certificate for Crown land or a registered trapline under the Wildlife Act.
- A mineral claim under the Mineral Tenure Act.
- A water licence under the Water Sustainability Act.

Please Note:

Provincial and Federal government agencies are not considered rights holders under OGAA. Applicants are not obligated to engage agencies in advance of an application to the Commission; however, applicants are encouraged to advise the Commission of any Land Act Map Reserves or Resource Features (as defined in the EPMR) as early as possible, even prior to submitting an application to the Commission, to allow the Commission to consider and facilitate any required engagement with other government agencies and avoid delays in application processing.

Representation Agreements

In some cases, recipients may designate an individual or agency to communicate on their behalf in the consultation and notification process. The Commission needs to be satisfied that the legal recipient of consultation / notification, as documented in Section 4 of the CNR, has designated someone else to communicate on their behalf in the process. Letters designating representation need to be addressed to the Commission, signed by the official recipient, name the designate, and may also give direction on the parameters of the representation (e.g. only for this application, only for this time period, for all matters related to OGAA).

Letters must be provided for each application – the Commission will not keep a record of representation for use on different files.

For Power of Attorney the Commission requires a copy of the legal document as there are specific parameters on documents, such as restrictions and timelines.

6.1.3 Determining Obligations to Consult or Notify

Obligations to carry out consultation or notification are prescribed in the CNR, and are based on proximity to the proposed activities and other factors, such as presence on an area subject to the right of a rights holder, or the presence of a residence or structure within the consultation or notification zone.

The tables on the following pages outline a series of tests to determine a potential applicant's obligations to notify or consult. Table 6-A is intended to highlight the

different factors which create obligations to notify or consult among the various persons and entities identified in the Consultation and Notification Regulation. Figures 6-B through 6-E illustrates examples of the application of the consultation and notification tests.

Table 6-A: Notification or Consultation

| Person / Entity | Test for Obligation to Provide Notification | Test for Obligation to Provide an Invitation to Consult | Exclusions |
|-----------------------------------|---|---|--|
| Land owner 4 (1) (a) | | Land owner of land on which activities are planned. | None. |
| Local Authority 4 (1) (b) | <p>(i)(A) Unless obligated to consult, if an existing building or structure owned by the local authority is within applicable notification distance.</p> <p>(i)(B) Unless obligated to consult, if an area identified in Official Community Plan is within applicable notification distance.</p> <p>(i)(C) If a known community watershed is within applicable notification distance.</p> | <p>(ii) If an existing building or structure owned by the local authority is within applicable consultation distance.</p> <p>(i)(B) an area identified in Official Community Plan is within applicable consultation distance.</p> | Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities. |
| Government of Canada 4 (1) (c) | i) Unless obligated to consult, if an existing building or structure owned by the government of Canada is within | ii) An existing building or structure owned by the government of Canada is within applicable consultation distance. | Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities. |

Table 6-A: Notification or Consultation

| Person / Entity | Test for Obligation to Provide Notification | Test for Obligation to Provide an Invitation to Consult | Exclusions |
|--|--|---|--|
| | applicable notification distance. | | |
| First Nations 4 (1) (d) | i) Unless obligated to consult, if all or a portion of the First Nation's Indian reserve is located within the applicable notification distance. | ii) Any portion of the First Nation's Indian reserve is located within the applicable consultation distance. | Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities. |
| Person, other than land owner in Section (a) who is registered owner of land surface or as its purchaser under an agreement for sale 4 (1) (e) | (i) Unless obligated to consult, if all or a portion of the land is located within the applicable notification distance. | ii) Any portion of a residence the person occupies or a structure the person uses to shelter livestock is located within the applicable consultation distance. iii) The person is a school board and a school or related structure is within the applicable consultation distance. | Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities. |
| Person who has entered into agreement with land owner to lease or rent a residence or a structure used for livestock on the land 4 (1) (f) | | ii) Any portion of a residence or structure for which the person has entered into an agreement with land owner is within the applicable consultation distance. | Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities. |

Table 6-A: Notification or Consultation

| Person / Entity | Test for Obligation to Provide Notification | Test for Obligation to Provide an Invitation to Consult | Exclusions |
|--|---|---|-------------------------------|
| Rights Holders 4 (1) (g) | (i) Unless obligated to consult, if the proposed activities are to be carried out on an area subject to a right of the rights holder. | ii) If the proposed activities are to be carried out on an area subject to a right of the rights holder, and it is known to the applicant the ability of the rights holder to exercise their right will be directly and adversely affected by the proposed activities. | None |
| Ministry of Transportation and Infrastructure 4 (3) | | A pipeline proposed within municipality within the right-of-way of a highway, and is to be used for transporting petroleum, natural gas or both. | Only applicable to pipelines. |
| Municipal Council 4 (3) and (4) | | (3) Unless Subsection 4 applies, a pipeline proposed within a municipality and within the right-of-way of a highway. (4) If the proposed activities for a pipeline to permit including permission construct and operate a pressure regulating station on land owned by the applicant within the municipality. | Only applicable to pipelines. |

Please Note:

Tree Farm Licence and Forest Licence holders require an Invitation to Consult if the proposed activities are to be carried out on an area subject to a right of one of these licence holders. Thus, the Invitation to Consult is only required if the proposed activity intersects an area where the licence holder holds a cutting permit and the cutting permit area has not been harvested.

Figure 6-B Consultation and Notification Test

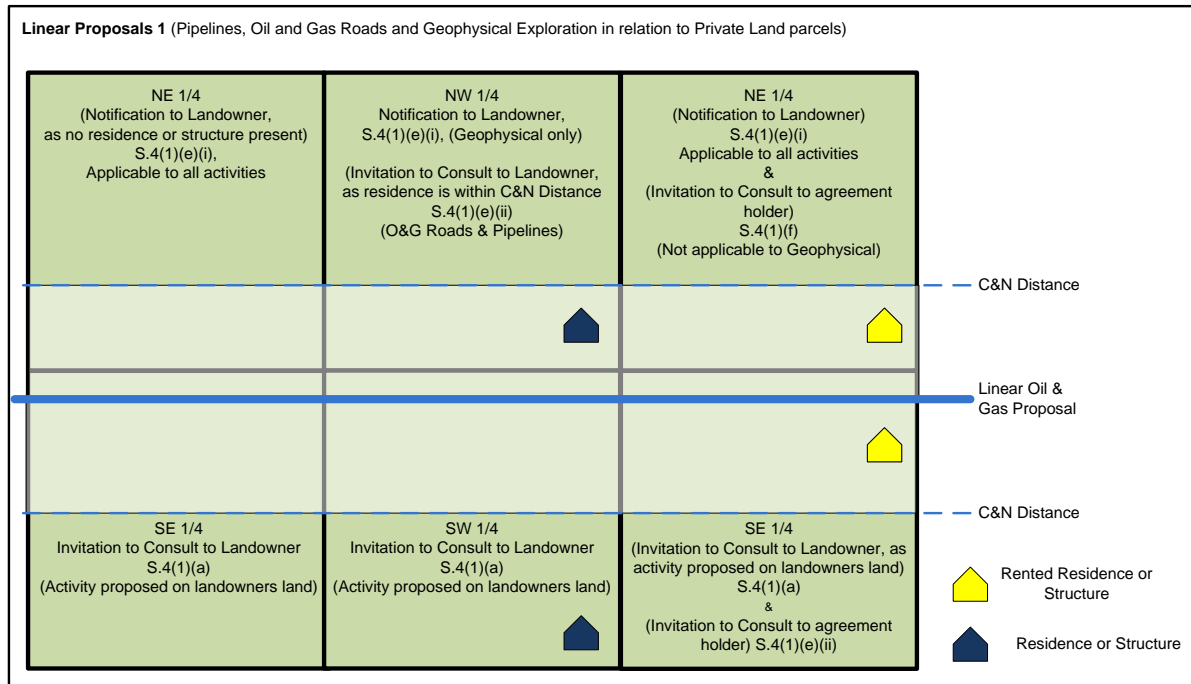


Figure 6-C Consultation and Notification Test

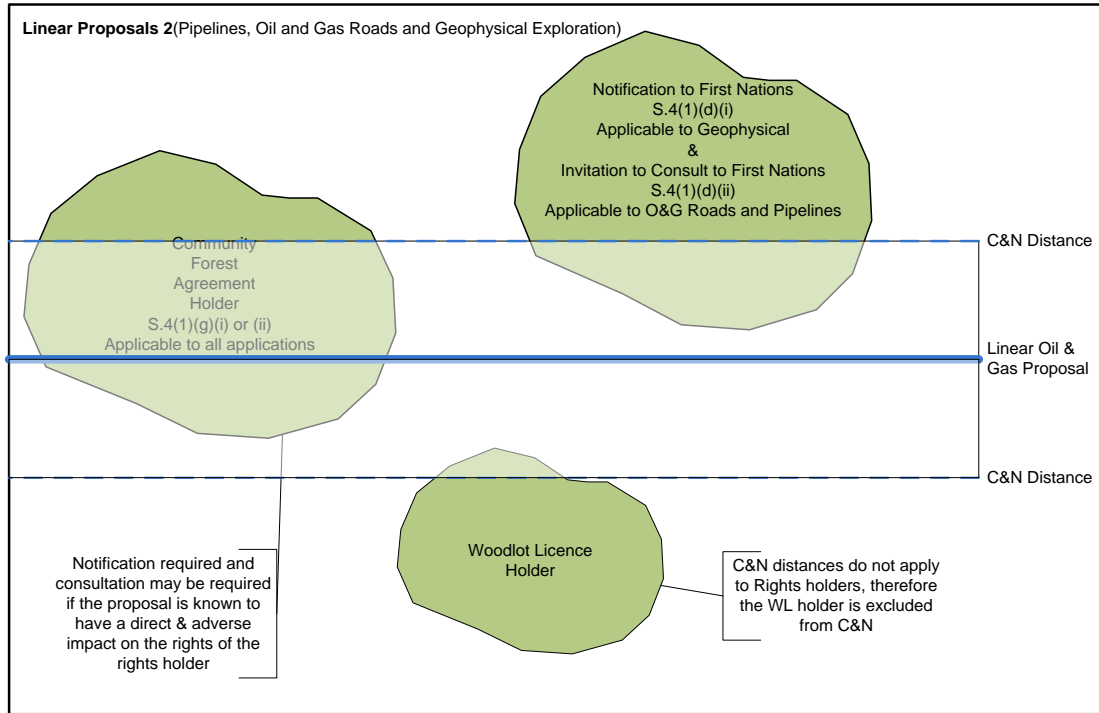


Figure 6-D Consultation and Notification Test

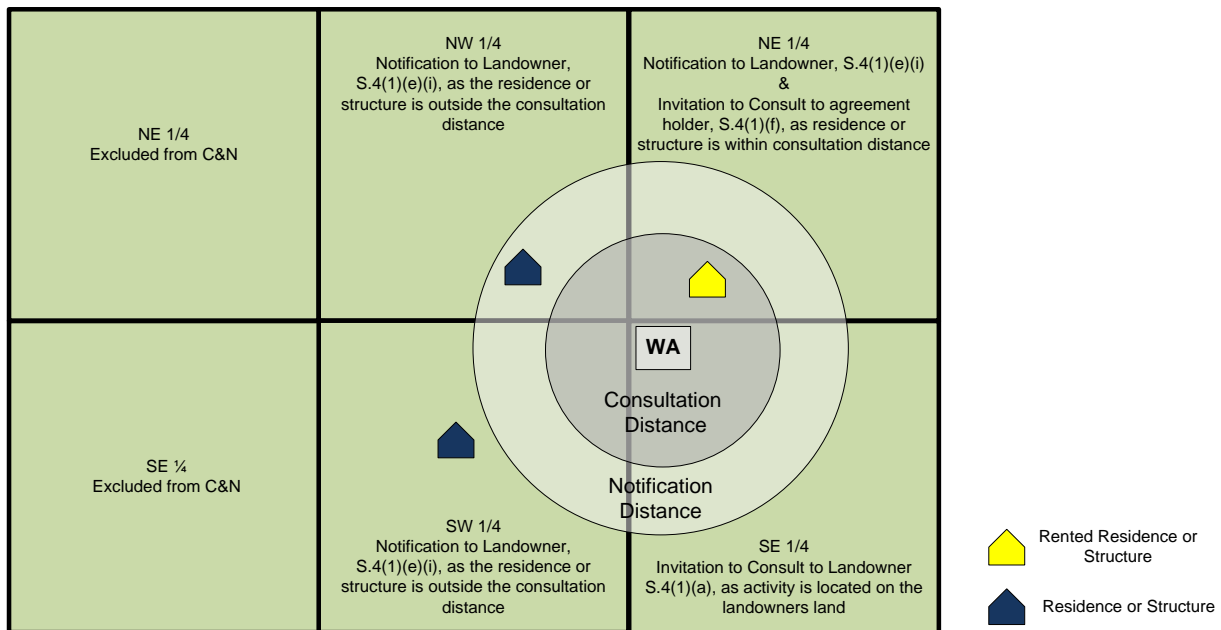
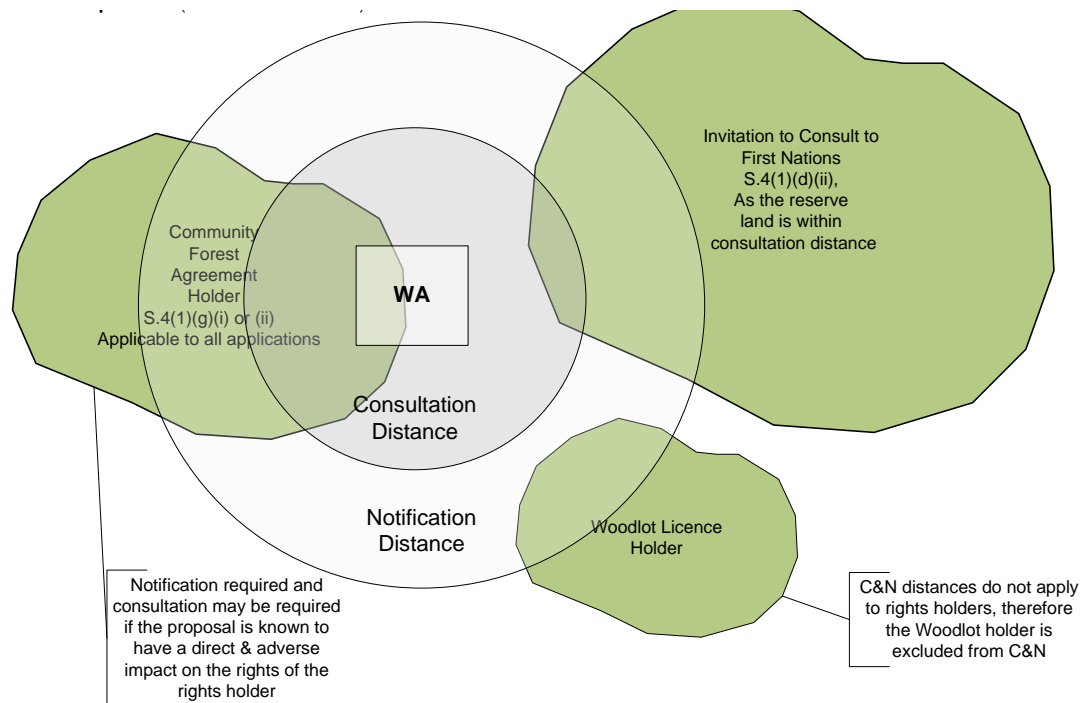


Figure 6-E Consultation and Notification Test



6.1.4 Calculating Consultation and Notification Distances

Minimum distances have been set for consultation and notification associated with specific activities in the CNR, sections 6 through 10. Distances are measured horizontally from:

- Centre point of a facility area (if no well is located on, or proposed to be located on, the same cleared area as the facility).
- Centre point of a wellsite (if one or more wells or facilities are located on or proposed to be located on the wellsite, consultation and notification distances reflect the centre of the well pad).
- Centre of the right-of-way of a pipeline, oil and gas road, or centre line of a seismic line.

For each category of activity, there is a minimum distance where notification or consultation is required, as outlined in Table 6-B and illustrated in Figures 6-G and 6-H.

Where an application includes a construction corridor and the applicant wants the flexibility to move the activity footprint anywhere within the corridor, consultation and notification distances must be measured from the outer edge of the corridor.

Where an application includes both a primary activity and a related authorization, consultation and notification must be done for the entire development, not just the primary activity. The material provided in the invitation to consult and/or notice documents must include reference to all activities, not just the primary activity.

Table 6-B below makes reference to distances in the Consultation and Notification Regulation.

Table 6-B: Consultation and Notification Distances for Oil and Gas Activity

| Oil and Gas Activity | Consultation Distance | Notification Distance |
|--|-----------------------|-----------------------|
| Processing plant, compressor station or pump station. | 3,300 metres | 3,300 metres |
| Facility with an area less than 5 hectares. | 1,000 metres | 1,500 metres |
| Facility with area equal to or more than 5 hectares. One facility only. | 1,300 metres | 1,800 metres |
| Facility with area equal to or more than 5 hectares in size. More than 1 facility. | 1,300 metres | 1,800 metres |
| Wellsite less than 5 hectares*. Fewer than 9 wells. | 1,000 metres | 1,500 metres |
| Wellsite greater than or equal to 5 hectares. Nine or more wells. | 1,300 metres | 1,800 metres |
| Pipeline | 200 metres | 200 metres |

| Oil and Gas Activity | Consultation Distance | Notification Distance |
|----------------------|-----------------------|-----------------------|
| Road Construction | 200 metres. | 200 metres. |
| Geophysical | | 400 metres. |

*If an applicant has an existing permit for eight wells, and an additional application is made for a ninth well as a separate application, the ninth well must use the consulting or notification distance for nine or more wells (either 1,300 or 1,800m).

Figure 6-G: Illustration of Consultation and Notification Distances Surrounding a Well or Facility.

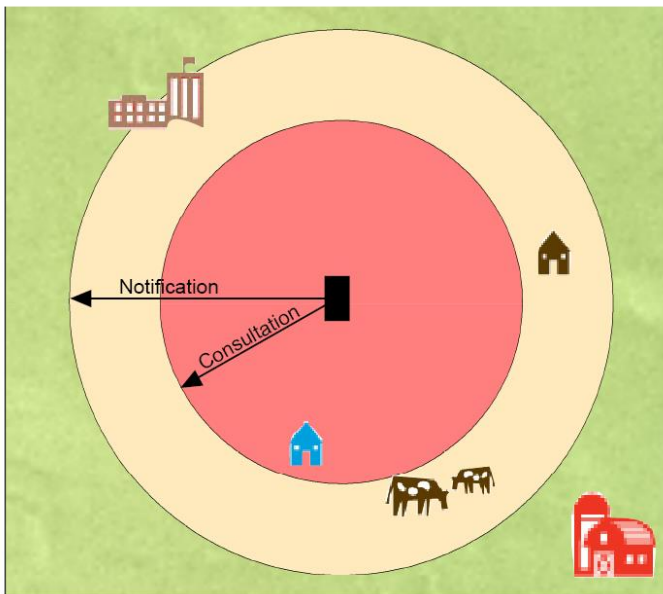
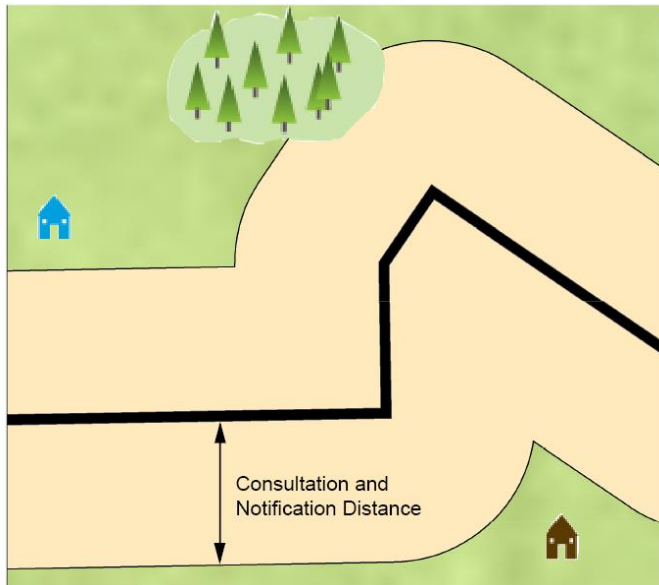


Figure 6-H: Illustration of Consultation and Notification Distances Along a Pipeline



6.1.5 Information For the Recipient

Documentation Requirements

Notification

Notification packages to recipient(s) must include the information listed in Section 11 of the CNR.

The prescribed descriptions in Section 11 (c) to (f) must also include:

- Location of proposed activities (Section 11(c)). All legal locations potentially impacted by the contemplated activities must be noted, including cases where a project may be carried out on an area covering more than one legal location, but owned by the same land owner.
- Associated development (Section 11(d)(i)). All proposed oil and gas and related activities associated with the proposed development, including any significant structures and equipment to be added (constructed or used) to carry out the subject activity.

- Order of activities (Section 11(f)). For multi-activity permits, including multi-well pads, describe the entire anticipated schedule of activities over various years, where applicable.

Please Note:

Consultation and Notification maps must be at an appropriate scale to show clearly the activities in relation to dwellings, facilities and nearby urban centers.

Consultation

An invitation to consult must include the content outlined in Section 13 of the CNR.

The prescribed descriptions in Section 13 (c) to (g) must also include:

- Location of proposed activities (Section 13(c)). All legal locations potentially impacted by the contemplated activities must be noted, including cases where a project may be carried out on an area covering more than one legal location, but owned by the same land owner.
- Associated development (Section 13(d)(i)). All proposed oil and gas and related activities associated with the proposed development, including any significant structures and equipment to be added (constructed or used) to carry out the subject activity.
- Order of activities (Section 13(e)). For multi-activity permits, including multi-well pads, describe the entire anticipated schedule of activities over various years, where applicable.

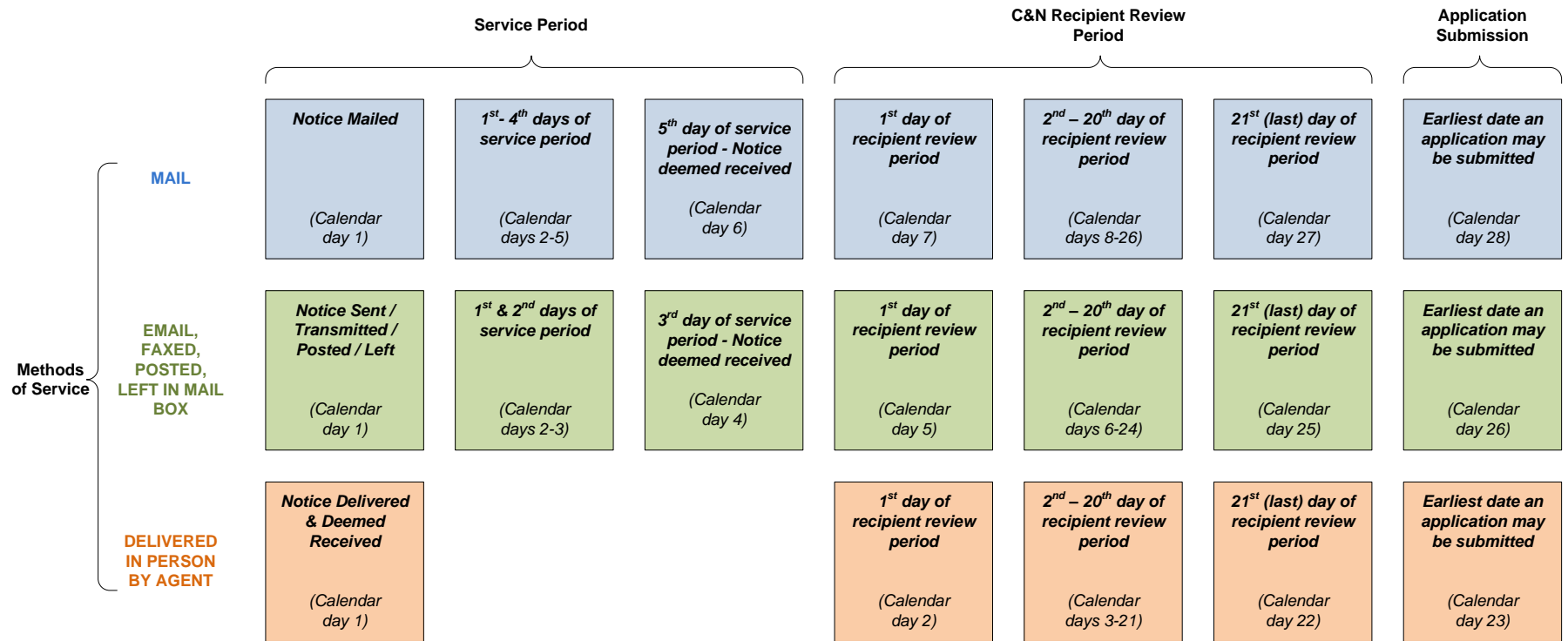
6.1.6 Consultation and Notification Timelines

Applicants must carry out the prescribed consultations and notification while budgeting for appropriate timelines and taking into consideration delivery methods. Applicants must provide recipients a 21-day review and response period. All documentation must follow the methods of service set out in Section 79(1) of OGAA.

Figure 6-I shows graphically the timeline for service period and response period to determine consultation and notification timelines.

Figure 6-I Using service period and response period to determine consultation and notification timelines

Determining C&N Timelines – Service Period and 21-day Response Period



Note: Where the last day of the recipient **review** period falls on a statutory holiday, the **review** period will be extended to the next day that is not a statutory holiday

Consultation and Notification Activity Complete

The obligation to notify or consult is fulfilled as prescribed in Section 12(3) and 14(3) of CNR, respectively. An application can be submitted following:

- Twenty-one days after the last required notification or consultation was deemed received, if no written responses are received, no objections are raised, or all reply/meeting obligations per Section 12(3)(d) and 14(3)(d) of CNR are fulfilled, as applicable;
- The date when the applicant receives written responses from every person notified indicating that they do not object to the proposed application, if less than 21 days after the last required notification or consultation was deemed received;
- The date, beyond 21 days after the last required notification or consultation was deemed received, when the applicant has sent the last written reply; or the day after the date when the applicant has conducted the last meeting (or made reasonable efforts to arrange a meeting with the recipient), if applicable. This pertains to applications where the applicant has received a written response to which Section 11(g)(i)(A) or (B), or 13(h)(i)(A) or (B) of the CNR applies.

If a written response is received following the prescribed response period, the applicant has no obligation under CNR to provide a written reply or schedule a meeting. However, the Commission recommends that applicants make best efforts to address and resolve concerns with affected land owners and rights holders. The Commission will consider any written submission made respecting an application.

Letters of Non-objection

A letter that signifies non-objection, per s. 11 (g)(i)(A) or 13(h)(i) of the CNR enables the proponent to apply to the Commission earlier than the 21 days past receipt by recipients, if they have received this from all parties who are in the engagement plan. Letters of non-objection do not require a reply by regulation.

It is not a “non-objection” if there are additional comments that note concerns or things the recipient would like the applicant to do; those are considered written responses and, if such correspondence is received by the applicant within the 21 day engagement window, a written reply is required.

Please Note:

Non-objection is not the same thing as a waiver allowing construction to commence prior to the 15 day waiting period outlined in OGAA Section 25(6).

Major Changes

If there is a major schedule change for oil and gas activities, or the permit holder decides not to carry forward a planned oil and gas activity, all recipients should be notified of the change.

6.1.7 Replying to Recipients

Recipients of consultation or notification with interests in or concerns about a proposed oil and gas activity may provide a written response to the applicant or the applicant's designated contact.

Recipient written responses may detail concerns and any proposed recommendations for mitigation. If the response is received within the 21 day consultation and notification period the applicant must reply, in writing, as soon as possible. The obligation to consult, and thus the ability for the applicant to submit the application, is not met until the last written reply has been sent.

Where a written response to consultation includes a request for a meeting, the applicant must make reasonable efforts to meet with the recipient in a timely manner and provide a summary of the meeting to the Commission with the application. The obligation to consult, and thus the ability for the applicant to submit this application, is not met until the day following the date of the meeting. If reasonable efforts have been made to schedule the meeting and the 21 day period has elapsed without the meeting being scheduled, the application may be submitted along with a detailed explanation of the efforts made to schedule a meeting.

Recipient concerns, proposed recommendations for mitigation and meeting requests are tracked. Applicants should consult the CNR to ensure all prescribed statements are correct and included. The applicant must make a written reply to the recipient if the recipient makes a written response within the 21 day period.

The applicant's response must contain all of the relevant provisions outlined in Section 12(2) or 14(2) of CNR, as applicable.

The Commission provides the required Line List Template for applicants to use for all correspondence records. The completed Line List along with recipient written responses and replies must be included in the application submission as part of the written report (detailed in Section 6.1.10 of this manual).

6.1.8 Written Submissions to Commission

In addition to the consultation and notification processes, Section 22 (5) of OGAA conveys the right for anyone with an interest or concern about a proposed activity and/or its proposed location to make a written submission. While not required, a Written Submission Form is recommended and available on the Commission's website or directly from the Commission.

Written submissions are made directly to the Commission, can happen at any time in the application process, and may be made by any person. This differs from recipient requirements and written responses which are specific to consultation and notification and have clear guidelines and timelines. The Commission forwards written submissions to applicants, along with a Case File Number. Where received prior to application submission, the Case File Number must be referenced on the Line List. The applicant is not required to reply, however may be encouraged to respond in order to assist in resolution of issues. Completed Written Submission Forms are sent by email to:

OGC.WrittenSubmissions@bcogc.ca, or submitted directly to the Commission's Fort St. John or Dawson Creek offices.

Unresolved Concerns

To ensure decisions are made with full knowledge it is important that any concerns that are unresolved at the time of application, including those outside the Commission's regulatory jurisdiction (e.g. access and compensation), are noted as unresolved concerns in the C&N Line List. It is also important to note if concerns were raised and responded to verbally; these should also be included in the C&N Line List for the application.

Case File Numbers

Case file numbers must be referenced in applications whenever Written Submissions are received or where there are unresolved concerns with respect to proposed activities. Applicants should contact the Community Relations department well in advance of submitting an application to obtain case file numbers, when required. Case file numbers will be provided to the applicant upon receipt of the following information:

- a copy of the notification and the map sent to the recipient;
- the written responses and replies exchanged during the C&N timeline; and
- the name, contact information, and recipient type for those with unresolved concerns.

If there is no documentation identifying unresolved concerns and mitigating actions, a brief summary noting verbal exchanges is required.

One case file number will be assigned per land owner or rights holder, per application. It is important to note that case file numbers are not interchangeable or reusable. If a case file number has been provided to the applicant and is not used (e.g. if issues are resolved prior to submitting the application), please advise Community Relations and the case file number will be canceled.

6.1.9 Dispute Facilitation & Conflict Resolution

Conflicts not resolved before submitting an application affect the Commission's review process and may determine whether an application is approved with changes, without changes or refused.

The applicant and recipient(s) may require facilitation services within the Commission if, after all reasonable efforts are made, issues remain unresolved. This non-mandatory process exists to aid communication and resolve interest-based differences between applicants and consultation and notification recipients.

This facilitation ranges from prompting the exchange of additional information to providing neutral mediation between parties. An assessment of the processes

and activities completed and the specific circumstances will determine the type of facilitation service most effective. Landowner Liaisons within the Commission's Community Relations Department are available to assist with dispute facilitation. It is recommended that applicants provide full documentation regarding their efforts to resolve concerns to the Community Relations Department prior to submitting an application. This will assist in a more efficient application review and decision process.

6.1.10 C&N Application Requirements

Written Report

OGAA requires that each permit application subject to consultation and notification requirements include a written report, summarizing the results of consultation and notification activities. This has been incorporated under the Consultation & Notification and Rights Holder Engagement tabs within AMS.

The Commission requires the applicant to upload components of the written report into the AMS during the application process. Specific files, relevant to the written report, to be uploaded include:

- Completed consultation and notification line list template. The line list is a summary record of the consultation and notification activities performed with each recipient. The Line List Template is found on the Commission website and includes an example for guidance. The AMS will not accept line list templates that are altered or missing required information. Table 6-C also provides detailed instructions for each of the data fields in the AMS C&N tab.
- Engagement supporting documentation, which includes:
 1. All notification/consultation information;
 2. Details of any known concerns and mitigating actions taken by the applicant;
 3. Responses received from recipients and replies made by applicant. The package of responses must include any recipient responses to consultation or notification, replies sent from the applicant, attempts made by the applicants to contact recipient. The applicant should

make an effort to follow up with recipient if mail is returned, sent to wrong address and/or to ensure package was attempted to be delivered; and

4. Summaries of meetings that provide information about issues, actions and outcomes.
- Consultation and notification map showing the proposed activities in relation to dwellings, facilities and nearby urban centers. The map must cross reference consultation and notification recipients from the Line List. For any activity, except geophysical applications, located on or adjacent to private land, Individual Ownership Plans (IOPs) must be uploaded with the C&N map. If a variance to this requirement has been received, the variance must be uploaded under attachments. Maps must be at an appropriate scale to clearly show the activities in relation to dwellings, facilities and nearby urban centers.

Please Note:

PID numbers must be included in the line list under the “Recipient Legal Land / Parcel description of Rights Holder Tenure Identifier” tab.

6.1.11 Revisions and Amendments

Revisions

In accordance with Section 5 of the CNR, applications may be revised, whether as a result of the consultation and notification process and associated engagements with recipients or not, and in some circumstances, additional consultations or notifications may be required.

If the revision includes the addition of a new petroleum or natural gas well, facility or pipeline, increase in total project area of one hectare or more, or a shift of the proposed project footprint by 100 metres or more in any direction, the obligation to notify or consult is triggered.

In addition, revisions that result in new recipients falling within the prescribed consultation or notification distances require consultation or notification of the

new recipients and the 21 day response period before applying or resubmitting a revised application to the Commission.

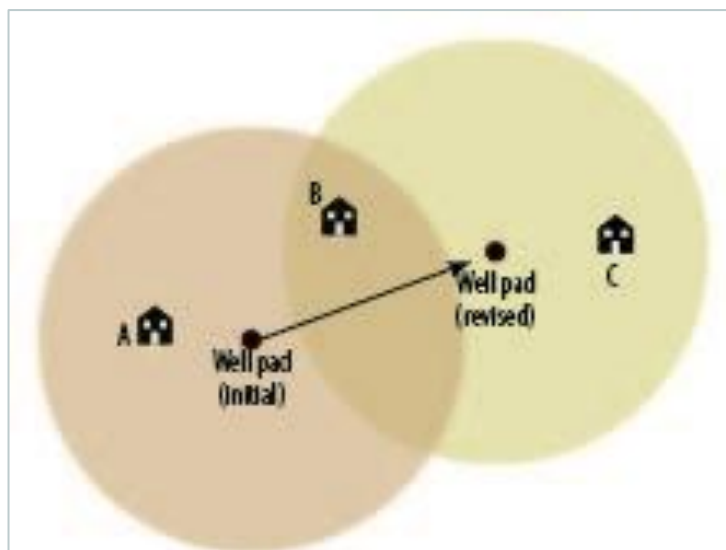
Those affected by a revision that involves the above listed changes who were previously consulted or notified and remain in the C&N radius require revised C&N explaining the revised program.

It is not required that those who were previously consulted or notified and who are no longer in the C&N radius be further engaged; however it is a best practice to notify them explaining that they are no longer potentially affected.

A revision as shown in Figure 6-F, may result in a different applicable consultation distance than the initial proposal. For example:

- Incorporating a facility onto a wellsite.
- Consolidating wellsites to a single wellsite exceeding five hectares.

Figure 6-F Significant Revision in Consultation Distance



Amendments

Specific requirements for permit amendments are determined on an application-by-application basis by the decision maker. Typically, the decision maker's

consideration of C&N under Section 31(5), will apply only to major amendments where there is the potential for adverse impact to the rights of the rights holder or adjacent land owner. This consideration is primarily centred around quiet enjoyment of the land and will usually focus on amendments that involve changes in activity levels that may increase air (primarily dust), noise or light emissions.

For amendment applications, the applicant must provide notification to the land owner on whose land the activity is proposed under Section 31 (1) of OGAA, except where exempted from doing so under Section 31 (1.1). The notice must provide a description of the proposed amendment. The notice must also advise the recipient that they may send a Written Submission (within 15 days of receiving the notice) to the Commission regarding the amendment. The applicant does not need to wait 15 days after deeming the notice received before submitting the amendment application.

Major Amendments

Major amendments include the following:

1. an increase in area of one hectare or more;
2. a shift in the approved footprint by 100 metres or more;
3. the addition of facility equipment, except that which is specified in the definition of a major amendment in the CNR;
4. the addition of or a change in material conveyed in a pipeline to petroleum, natural gas or both; and
5. the addition of a pipeline segment within a permissioned right of way, but not including a segment split for repair/replace works.

Please Note:

For amendments on private land, the land required for any additional related activities (i.e. associated oil and gas activities) will not be considered when determining whether #1, above, applies; however, it must be referenced on the construction plan.

After an application for a major amendment has been submitted, the Commission may require, under Section 31(5) of OGAA, a permit holder to complete all or a portion of the prescribed requirements outlined in the CNR. If the Commission compels the permit holder to provide consultation/notification, applicable reviews

will continue during the prescribed response period; however, a decision will not be made until that period has elapsed, and it is confirmed that no objections/outstanding concerns have been raised by the affected parties.

Non-Major Amendments

A non-major amendment is considered to be anything other than what is included in the definition of a major amendment in CNR. The CNR definition of an applicant includes only those persons submitting an application for a major amendment where the Commission has made a determination to compel C&N under Section 31(5). Thus, only those persons referenced in Section 31(1) of OGAA must be notified for non-major amendments.

Exemptions Regarding Amendments

Under Section 31(1.1) of OGAA, the Commission may exempt a person or class of persons from the requirement to provide notice under Section 31(1). For directions regarding requesting exemptions, refer to Section 6.1.13 of this manual.

The Commission issued a class of persons exemption under Section 31(1) in March 2016. The exemption can be found [here](#). When submitting an application to which this exemption applies, upload a copy or reference to it under the Consultation & Notification tab in AMS.

6.1.12 Exemptions from C&N Obligations

Upon written request from the applicant, the Commission may exempt an application from consultation and notification requirements specified in Section 22 (3) of OGAA. In doing so, the Commission may also substitute other consultation and notification requirements. The Commission may also exempt an applicant from providing notice to directly impacted land owners, provided certain criteria are met, as per Section 31(1.1) of OGAA.

Requests for exemptions must include:

- a description of the proposed activity;

- a precise explanation of which prescribed requirements the applicant is requesting exemption from;
- the rationale behind the request including and explanation of why it is unreasonable or unachievable to fulfill the prescribed requirements; and
- an explanation of what the applicant proposes to do in lieu of the prescribed requirements, if applicable.

Exemption requests must be submitted to the Commission by e-mail, and can be directed, as appropriate, to the Executive Director, Permit Adjudication; Executive Director, Major Projects, the Vice President, Applications, or the Executive Director, Resource Stewardship and Major Projects. Contact details can be located in the [Phone List](#) on the Commission's website.

If an exemption is granted, the proponent must include the written exemption letter along with any relevant supporting documentation related to the exemption with the application.

Please Note:

The Commission cannot exempt applicants from providing notification to landowners of proposed oil and gas activities, per Section 22(2) of OGAA, but can exempt from the prescribed consultations or notices required under Section 22(3).

Please Note:

Exemption requests should not be confused with variance requests to rights holder engagement timelines, which can be directed to the appropriate Authorizations Manager.

6.1.13 Permit Extensions

Requirements for a Permit Extension

Permit holders should provide a courtesy notification to all stakeholders and/or landowners who were originally notified or consulted of their intent to request an extension. As this is not considered notification under the CNR, it should not include the CNR content of notice requirements. The letter should include an

updated schedule of activities and the permit holder's contact information in the event the recipient has any questions or wants additional information.

For any rights holders or land owners who were not originally engaged and who, therefore, may not be aware of the planned activity, permit holders must provide notice prior to applying to extend the permit. This notifies the affected party that a permit was issued in year XXXX and was not constructed, but the permit holder now intends to do so. The notice should elaborate, as relevant, on any of the quality of life interests that will automatically be mitigated (based on the original application and determination outcomes). The notice should not include the CNR content of notice requirements, but should include an updated schedule of activities and the permit holder's contact information, as above.

With respect to an extension application, the Commission's decision maker may request that C&N be carried out prior to making a decision on the application under Section 32(3) of OGAA.

Please Note:

Including the prescribed content of notice requirements constitutes offering C&N. If a permit holder does offer C&N by choice or inadvertently, the prescribed process must be followed.

6.1.14 Consultation & Notification: Data Field Completion

Table 6-C below provides detailed instructions for each of the data fields requiring input (not auto populated) within the Application Management System.

Table 6-C: Application Instruction Table for the C&N Tab

| Label | Instructions |
|-------------------------|---|
| Consultation Radius (m) | Provide the consultation radius associated with the activity. If the application is an amendment, where no consultation or notification has been carried out, leave this field blank. |

| Label | Instructions |
|--|--|
| Notification Radius (m) | Provide the notification radius associated with the activity. If the application is an amendment, where no consultation or notification has been carried out, leave this field blank. |
| Line List Attached | Upload Consultation & Notification line list. The file name formatting should read as: "LineList_Version#_Date". |
| Explain Map Changes | If the revision number of the C&N map does not correspond with the revision number of the map used during engagement, describe the changes and why it was not necessary to re-engage with the new map. |
| Consultation & Notification Exemption Required | Indicate if consultation and notification exemption was received prior to submitting the application. |
| Package of Replies and Responses Attached | Indicate yes, to include any written replies and responses between the recipient and proponent. If no written responses were received, indicate no. |
| Letters of Non-Objection Attached | Indicate yes, as applicable, to include letters of non-objection. |
| Written Submission received by persons not engaged | Indicate yes, if written submissions have been received by persons not included on the line list as part of the Consultation and Notification process. |
| Case File Number(s) | Provide the Commission case file number(s) associated with any written submissions / unresolved concerns. Contact the Commission's Community Relations department if you have written submissions or unresolved concerns, but do not have a case file number(s). |
| Unresolved Concerns by persons not engaged | Indicate yes, if concerns brought forward by persons not included on the line list as part of the Consultation and Notification process remain unresolved. |

Chapter 6.2

Completing Application Information Details: Rights Holder Engagement

6.2 Rights Holder Engagement

Rights holder engagement is required as part of the application process for NEB related approvals, associated oil and gas activities on Crown land, and authorizations permitted under the Water Sustainability Act. Submission of an application for any of the above applications must include additional application deliverables specific to rights holder engagement.

The rights holder engagement tab requires specific application information details. This section includes an overview of rights holder engagement, guidance regarding rights holder engagement, details related to rights holder engagement requirements and detailed instructions for completing the data fields within the rights holder engagement tab.

6.2.1 Rights Holder Engagement Process Overview

The province coordinates resource management related to oil and gas activities and is mindful of reducing adverse effects on long-term rights holders' interests. The methods used to engage rights holders may vary depending on the nature and scope of the proposed related activity. Rights holder engagement is a process to ensure appropriate engagement with rights holders in cases where the consultation and notification process does not apply.

Rights Holder Defined

A rights holder is a person granted non-intensive occupation or use of Crown land by permit, licence or approval indicated as follows:

| Legislation | Permission |
|--------------------------|--|
| Land Act | Licence under Section 39 Permit under Section 14 |
| Forest Act | Forest licence Forestry licence to cut (major) – unharvested CP only Community forest agreement Timber sale licence Tree farm licence – unharvested CP only Woodlot licence |
| Range Act | Grazing permit Grazing licence |
| Wildlife Act | Guide outfitter's licence Guiding territory certificate for Crown land Registered trapline |
| Mineral Tenure Act | Mineral claim |
| Water Sustainability Act | Water licence Use approval (Short-term water use) Change approval (Changes in and about a stream) |

The Commission requires applicants engage rights holders prior to submitting an application. The applicant is expected to notify a rights holder if the proposed activity is within an area subject to the right of a rights holder (e.g., the proposed related activity falls within a guide outfitter's tenure) or if the proposed activity is deemed to have the potential to adversely affect existing rights (e.g. if the proposed activity could result in impacts to downstream water rights holders).

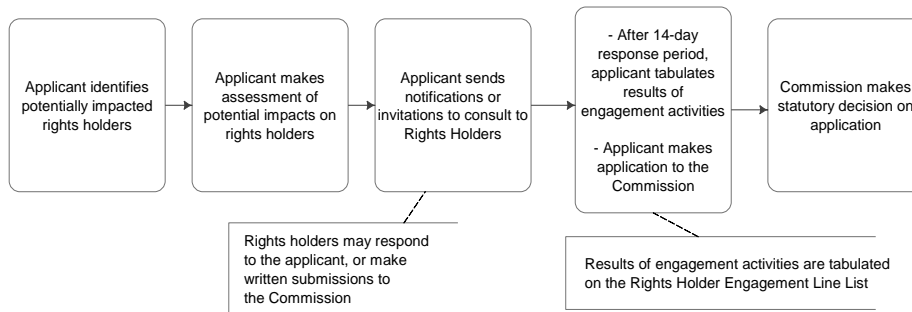
If proposed activity is within an area subject to the right of a rights holder or as detailed in engagement requirements for Water Sustainability Act applications below, and it is known to the applicant that the ability of the rights holder to exercise their rights are likely to be directly and adversely affected, the Commission expects the applicant to engage the rights holder in consultation.

Please Note:

If a legal recipient chooses to designate someone to communicate on their behalf, a letter designating the representation must be sent to the Commission. The letter must be addressed to the Commission, state the name of the designate, outline the parameters of the representation, and be signed by the official recipient. Letters must be provided for each application, as the Commission will not keep a record of representation for use on other applications.

Please Note:

For Power of Attorney, a copy of the legal document must be sent to the Commission.

Figure 6-J: Rights Holder Engagement Process**Who must carry out Rights Holder Engagement?**

The rights holder engagement process must be carried out by applicants preparing applications for the following activities:

- Associated oil and gas activities not included in consultation and notification processes carried out on an OGAA activity.
- NEB pipeline right-of-way applications.
- NEB road right-of-way applications
- NEB ancillary applications.
- Short-term water use authorizations.
- Changes in and about a stream applications.
- Water Licence applications.

In addition, the rights holder engagement process must be carried out in preparing revision or amendment applications if the revision or amendment will change the location of the activity or if the applicant expects the changes may lead to additional adverse impacts on rights holders.

Provincial and federal government agencies are not considered rights holders. Applicants are not obligated to engage agencies prior to submitting an application to the Commission, however, applicants are encouraged to advise the Commission of any provincial or federal interests, such as Land Act Map Reserves or Resource Features (as defined in the EPMR), as early as possible. The Commission will facilitate any required engagement during the application review.

Please Note:

If an associated oil and gas activity was included in the Consultation and Notification process carried out under an OGAA application, but is being applied for separately from that OGAA application, further rights holder engagement is not required prior to application for the associated oil and gas activity.

Please Note:

Prior to the submission of an application for a camp, applicants are required to notify the Peace River Regional District (PRRD) as a rights holder.

Rights Holder Engagement Requirements for NEB Related Approvals and Associated Oil and Gas Authorizations

The province makes every effort to ensure that resource management is coordinated and that the related oil and gas activities will not adversely affect long-term rights holders' interests. The methods used to engage rights holders may vary depending on the nature and scope of the proposed related activity.

Engagement materials provided to the rights holder must provide sufficient information to enable an understanding of the proposed activity and its relationship to the rights holder's legally granted interests. Generally, relevant information includes:

- Applicant name and contact information.
- Description of the location of proposed activity.
- Activity specifics including any significant structures and equipment to be added.
- Any roads that will be used to carry out the proposed activities.
- Approximate timing schedule of project where applicable.
- Map that shows the proposed activities in relation to rights holder's area of interest.
- Statement advising the rights holder may make a Written Submission to the Commission and at any time prior to the application decision.
- Recipient response options. Clearly state options for recipients to respond including:
 - Responding directly to applicant.
 - Providing a Written Submission to the Commission.

The Commission requires the applicant to document their completed rights holder engagement process and include with the application submission. Applications for authorizations under the Act must be submitted to the Commission no less than 14 calendar days after all rights holders, and land owners have been deemed to have received notification.

Methods of Service

Acceptable methods of service for the distribution of rights holder engagement materials and for standards used in determining when a document is to be deemed received in the rights holder engagement process, refer to Section 6.1.7 of this manual for further information.

Timelines

During engagement with rights holders, applicants must allow 14 calendar days for the rights holder to respond, after the deemed received date, before submitting the application to the Commission. However, applicants may apply earlier if a written response from all impacted rights holders is received, stating there are no objections. If a written response is received within the prescribed

engagement period, the applicant is required to submit the response including the applicant's written reply with the application.

Please Note:

A written response letter that signifies non-objection enables the applicant to apply to the Commission earlier than the 14 days past receipt by the recipients. However, if the letter contains additional comments or concerns, it does not qualify as a letter of non-objection.

Best Practices

If there is a major schedule change for an activity, or if the permit holder decides not to carry forward with the planned activity, all recipients should be notified of the change.

Rights Holder Engagement Requirements for Water Sustainability Act Authorizations

For the purposes of authorizations granted under the Water Sustainability (Short-Term Water Use (use approval), Changes in and about a stream (change approval), Water Licences), water rights holders as defined in the Water Sustainability Act are those water rights holders whose water rights may be detrimentally affected by the issuance of the authorization under consideration.

Water rights holders include:

- Water licensees.
- Applicants for water licences.
- Use approval holders.
- Use approval applicants.

The Water Sustainability Act also specifies that riparian owners and those land owners whose property may be physically affected by the issuance of the licence or authorization under consideration must also be notified. If access across private property is required the applicant must have land owner consent. On Crown land currently under treaty, riparian owners are generally expected to

include those First Nations in whose traditional territory the proposed water withdrawals are to occur.

First Nations deemed as riparian owners will be engaged as per the Commission's First Nations consultation process and therefore do not require notification during rights holder engagement.

A search of the [Water Licenses Web Query](#), along with the [North East Water Tool \(NEWT\)](#), the [Omineca Water Tool \(OWT\)](#), or the [North West Water Tool \(NWWT\)](#) should be completed before submitting a Short-Term Water Use Application, to assist with determining water rights holders on the same water source.

Applicants must notify and engage with rights holders, riparian owners and land owners as defined in the Water Sustainability Act, and provide a summary of that engagement with their application. For change approval applications, verification of the landowners consent is required and must be included with the application.

Rights holders, riparian owners and land owners must be notified according to the requirements outlined in Section 117 of the Water Sustainability Act which specifies the ways in which a notice may be given or delivered. Section 117 also specifies when a notice may be deemed received depending on which delivery method has been utilized.

Notification materials provided to rights holders, riparian owners and land owners must include:

- The name of the decision maker (BC Oil and Gas Commission).
- The applicant name and contact information.
- A map indicating the POD location/s and/or the proposed works in relation to the rights holders, riparian owners or land owner's area of interest.
- A description of the proposed timing and extent of works.
- A statement advising the rights holder, riparian owner or land owner that they may object to the proposed water withdrawals via Written Submission to the Commission within 30 days of receiving the notice.

- The BC Oil and Gas Commission's Fort St. John mailing address to which objections can be sent.

Notification material must include sufficient information to enable an understanding of the proposed water withdrawals to be made and their relationship to the rights holders, riparian owners, or land owner's legally granted interests.

Methods of Service

Acceptable methods of service for the distribution of rights holder engagement materials and for standards used in determining when a document is to be deemed received in the rights holder engagement process, refer to Section 117 of the Water Sustainability Act for further information.

Rights Holder Engagement Requirements for all Applications

The Commission requires that the applicant document their completed rights holder engagement process and include with the application:

- The Rights Holder Engagement Line List.
- One example of a notification letter sent and any correspondence received from those rights holders, riparian owners and landowners who have been notified.
- A description of all mutually acceptable agreements made including copies of all Letters of Non-Objection received. Letters of Non-Objection must be signed by the rights holder, riparian owner or land owner.
- Details of any known rights holder, riparian owner or land owner concerns and a description of any actions taken or measures applied by the applicant in response to these concerns.
- A map which includes the location of all POD or proposed works and the location of all rights holders, riparian owners and land owners notified.

Applications for authorizations under the Water Sustainability Act must be submitted to the Commission no less than 14 calendar days after all rights holders, riparian owners, and land owners have been deemed to have received notification as per Section 117 of the Water Sustainability Act.

Once the application is received the decision maker will determine if he or she is satisfied with the Rights Holder Engagement undertaken by the proponent.

The Water Sustainability Act gives the decision maker discretion to determine if further Rights Holder Engagement is required as well as if a decision can be rendered before the 30 day waiting period has expired. The Commission encourages companies and the affected rights holder(s) to try to resolve concerns before contacting the Commission.

Best Practices

If there is a major schedule change for an activity, or if the permit holder decides not to carry forward with the planned activity, all recipients should be notified of the change.

Case File Numbers

Case file numbers must be provided on applications whenever there are Written Submissions received or where there are unresolved concerns with respect to proposed activities. The Commission's Community Relations department is able to provide case file numbers upon receipt of information including the following:

- Copy of notification and map sent to recipient.
- Written responses and replies exchanged during the engagement timeline.
- Name, contact information and recipient type for those with unresolved concerns.
- If no documentation identifying unresolved concerns and mitigative actions, a brief summary noting verbal exchanges.

Please Note:

Case file numbers are assigned for the designated person/activity are not interchangeable or reusable. If a case file number has been provided to you and you no longer require it (e.g. if issues are resolved prior to application) please advise the Community Relations department so the Commission can cancel the case file number.

6.2.2 Written Submissions to Commission

In order for the Commission to make informed decisions it is necessary to understand interests or concerns of those who may be directly impacted by a proposed activity. The Commission has adopted by policy the opportunity to submit a Written Submission for those wishing to convey interests/concerns. The [Written Submission Form](#) available on the Commission's website.

Written submissions are made directly to the Commission and can happen at any time in the application process and may be made by any person.

The Commission forwards written submissions to applicants. The applicant is not required to reply, however may be encouraged to respond in order to assist in resolution of issues. Completed [Written Submission Forms](#) are sent by email to OGC.WrittenSubmissions@bcogc.ca, or submitted directly to the Commission's Fort St. John or Dawson Creek offices. Written submissions are reviewed by the Commission's statutory decision maker prior to making a statutory decision on the associated permit application.

6.2.3 Replying to Recipients

Rights holders with interests in or concerns about a company's proposed oil and gas activity may submit a written response to the applicant or the applicant's designated contact.

Recipient responses may detail concerns and any proposed recommendations for mitigation. If the response is received within the 14 day engagement period, the applicant is strongly encouraged to reply, in writing, as soon as possible.

When part of the rights holder engagement process, this response is not mandatory but is a valuable opportunity to provide information to the rights holder and demonstrates a desire to address concerns.

Recipient concerns, proposed recommendations for mitigation and meeting requests must be tracked by the applicant. The Commission provides the required [Rights Holder Engagement Line List Template](#) for applicants to use to track all correspondence records. The completed Line List along with recipient written responses and replies must be included in the application submission.

6.2.4 Unresolved Concerns

Conflicts not resolved before submitting an application affect the Commission's review process and may determine whether an application is approved with changes, without changes or refused.

If there are unresolved concerns, the applicant is required to include details of the concerns and the proposed mitigation actions with the application submission. The Commission uses the rights holder engagement documentation for evaluation and may:

- Make a decision on the application, based on the engagement documentation.
- Recommend the applicant continue consultation.
- Recommend the use of dispute resolution.

Please Note:

To ensure decisions are made with full knowledge, it is important that all concerns that are unresolved at the time of application, including those outside of the Commission's regulatory jurisdiction, are noted as unresolved concerns. It is also important to note if there are any concerns that were raised and responded to verbally.

6.2.5 Dispute Facilitation & Conflict Resolution

The applicant and recipient(s) after all reasonable efforts are made, may require facilitation services within the Commission if issues remain unresolved. This non-mandatory process exists to aid communication and resolve interest-based differences between applicants and consultation and notification recipients.

This facilitation may be as simple as prompting the exchange of additional information to providing neutral mediation between parties. An assessment of the processes and activities completed and the specific circumstances will determine the type of facilitation service most effective. Landowner Liaisons within the Commission's Community Relations Department are available to assist with dispute facilitation.

6.2.6 Variance Requests

Where the rights holder engagement process described in this manual is not practicable for a specific application, applicants may request permission to use alternate engagement practices or strategies. Variance requests must be made to the appropriate Authorizations Manager prior to application. Written approval of alternate engagement practices or strategies must be included with the application.

6.2.7 Completing the Rights Holder Engagement Tab

Applicants should follow the instructions, answer questions and enter data in the Application Management System. Applicants are required to upload the following items onto the rights holder engagement tab:

- Rights holder engagement line list. The line list is a summary record of the consultation and notification activities performed with each recipient. The Line List Template is found on the Commission website and includes an example for guidance. Table 6-D also provides detailed instructions for each of the data fields of the Line List.

- Engagement map showing the proposed activities in relation to rights holders' areas of interest. The map must cross reference rights holder engagement recipients from the Line List.
- All written responses from recipients and replies from the applicant. It is recommended that the package of responses and replies include a sample copy of the Notification and Invitation to Consult letters sent to recipients.
- Letters of non-objection (if applicable).
- Written Report. In order to make well informed decisions the Commission requires each permit application subject to rights holder engagement requirements to submit a written report to the Commission, summarizing the results of consultation and notification activities. This has been incorporated under the Consultation & Notification and the Rights Holder Engagement tabs within AMS. In addition to the line list, the written report consists of:
 1. Consultation and notification map.
 2. All written responses from recipients and replies from the applicant.

6.2.8 Rights Holder: Data Field Completion

Table 6-D below provides detailed instructions for each of the data fields requiring input (not auto populated) within the Application Management System.

Table 6-D: Application Instruction Table for the Rights Holder Tab

| Label | Instructions |
|--|---|
| Does the application require a variance from engagement? | Indicate if variance from rights holder engagement was received. If yes, attach Commission approval of the request. |
| Package of Replies and Responses Attached: (Optional) | Indicate yes to include any written replies and responses between the recipient and proponent. |
| Letters of Non-objection indicator | Was a letter of non-objection received from the rights holder (Y/N)? |

| Label | Instructions |
|--|---|
| Written Submission Received by Non-engaged Persons Indicator | Indicate yes, if written submissions have been received by persons not included on the line list as part of the Consultation and Notification process. |
| Case File(s) (Written Submissions) | Provide the Commission case file number associated with written submissions received (if applicable). |
| Unresolved Concerns Indicator | Indicate yes, if concerns brought forward by persons not included on the line list as part of the Consultation and Notification process remain unresolved. |
| Case File Number(s) (Unresolved Concerns) | Provide the Commission case file number(s) associated with unresolved concerns. Contact the Commission's Community Relations department if you do not have a case file number(s). |

Chapter 6.3

Completing Application Information Details: First Nations

6.3 First Nations

As an agent of the Crown, the Commission fulfils any provincial obligation to consult with First Nations on any potential impacts to their rights recognized and affirmed by Section 35(1) of the Constitution Act, 1982.

Submission of an application for an oil and gas or associated activity may require additional application requirements in regards to First Nations and is based on the planned activity and location of activity. The First Nations tab requires application information details.

This section includes an overview of First Nations consultation, guidance regarding First Nations consultation, details related to First Nations consultation requirements and detailed instructions for completing the data fields within the First Nations consultation tab.

In addition to the requirements listed in this section, Commission staff may request additional information where necessary to facilitate review of the application.

6.3.1 Consultation Procedures and Timelines

Administration Boundaries

Administrative boundaries established through consultation agreements guide where consultation for each First Nations community takes place. Where there is no agreement in place, applicants should refer to the [Consultative Areas Database](#). Depending on the community to be engaged, the consultation process, and the application, requirements may be different.

Notice Only Communities

There are four Aboriginal communities the Commission provides information about oil and gas activities through an Aboriginal Community Notice:

- Kelly Lake Cree Nation (KLCN).
- Kelly Lake First Nation (KLFN).
- Kelly Lake Metis Settlement Society (KLMSS).
- Acho Dene Koe (Fort Liard First Nation) (FLFN).

The Application Management System identifies communities to be consulted based on spatial data uploaded. No additional information or attachments are required.

Treaty 8 First Nations

Consultation process agreements are established between the Commission and some Treaty 8 First Nations. Where agreements are in place with a Treaty 8 First Nations community, the consultation process is guided by the agreement. The Application Management System spatial data identifies Treaty 8 First Nations to be consulted.

Where agreements with Treaty 8 communities are not in place, the consultation process is guided by the Interim Consultation Procedure (ICP) with Treaty 8 First Nations. All existing agreements with First Nations and the ICP are found on the [First Nations](#) page of the Commission's website.

Please Note:

The Regional Strategic Environmental Assessment (RSEA) Interim Measure form is mandatory for all applications that fall within the Commission Operational Zones: North or Central. The completed form must be uploaded under the Attachments tab as document type "Other" within the application. Please reference [INDB 2018-15](#) for more information.

Non-Treaty 8 Nations

For non-Treaty 8 First Nations, the Commission follows internal procedures based on [provincial guidelines](#) and recent court decisions regarding consultation procedures. Where applications require consultation with non-Treaty 8 communities, spatial data identifies non-Treaty 8 nations to be consulted.

Consultation Agreements

The Commission works closely with First Nations to establish negotiated Agreements and Memoranda of Understanding as living documents, recognizing that both documents are the foundations for long, collaborative working relationships. The established formal consultation processes provide for First Nations' participation in the consultation process and ensures applications are dealt with as effectively and efficiently as possible.

An application, amendment or a revision to an oil and gas activity which may have a potential adverse impact to the Nation's Section 35(1) rights is classified in accordance with the applicable consultation process agreement.

Applicants must determine the classification according to the consultation process agreement and refer to the [First Nations section](#) of the Commission website for the appropriate agreement.

Timelines

General consultation timelines are provided in consultation process agreements and indicate the amount of time a First Nations community is given to review and respond.

Best practice dictates that applicants engage with First Nations early and often and to refer to the consultation process agreements as a guide to the consultation procedures and timelines.

Where concerns are identified by the First Nation, there may be additional time required to complete the consultation process. The Commission will discuss

those concerns and potential solutions with the First Nation. In some cases, this may include facilitating meetings between the First Nation and applicant to discuss concerns and proposed accommodation measures.

Additional Reference Documents for First Nation Consultation

Additional reference documents regarding the First Nation consultation process and the applicant's role are available on the Commission's [website](#). Applicants may also refer to the Ministry of Aboriginal Relations and Reconciliation's [Building Relationships with First Nations: Respecting Rights and Doing Good Business](#), and the Environmental Assessment Office's [Proponents Guide to First Nation Consultation in the Environmental Assessment Process](#).

The Commission may make available additional information to First Nations to assist with the engagement process and to assist First Nations with decisions.

6.3.2 Engaging First Nations Prior to Application

In order to facilitate the efficiency of consultation, applicants are encouraged to initiate and build relationships with First Nations communities by discussing proposed activities with the communities during the project planning phase.

Applicants may contact the Commission's First Nations Liaison Officers (FNLOs) to access First Nations area maps and for advice about engaging First Nations.

Where pre-engagement occurs, an [Engagement Log](#) should be used to record all engagements and related details including concerns expressed by a First Nation and mitigation proposed or implemented by the applicant. If required, an engagement log can be uploaded within the First Nations tab. Engagement logs may be considered in the decision making process, however the engagements do not replace the First Nations consultations carried out by the Commission as described above.

6.3.3 First Nations: Data Field Completion

Table 6-E below provides detailed instructions for each of the data fields requiring input (not auto populated) within the Application Management System.

Table 6-E: Application Instruction Table for the First Nations Tab

| Label | Instructions |
|--|--|
| First Nations Details | |
| Has an Authorizations Manager Deemed Consultation Required | This question will be asked of the applicant when the application is on private land outside of Treaty 8 areas. If answered 'no,' the applicant will be required to upload a confirmation from an Authorizations Manager (e.g. an email), indicating First Nations consultation is not required for the application. |
| Treaty 8 First Nations | |
| Consultation Category | Select the consultation category (classification) based on the pertinent consultation agreement or process. |
| Criteria Reference | Select the classification criteria from the appropriate consultation agreement or process used to determine the consultation category indicated. |
| Description | Provide a rationale indicating why the indicated criteria and category is appropriate. Include any pertinent supporting information. |
| File XREF Number | Enter any other Commission file numbers or the Crown land tenure number to which the proposed activity is related. |
| Upload Attachment | Attachments may include First Nations engagement log and cover letter, where required. |
| Non Treaty 8 First Nations | |
| Consultation Category | Indicate the consultation category (classification) based on the pertinent consultation agreement or process. |

| Label | Instructions |
|--------------------|--|
| Criteria Reference | Select the classification criteria from the appropriate consultation agreement or process used to determine the consultation category indicated. |
| Description | Provide a rationale indicating why the indicated criteria and category is appropriate. Include any pertinent supporting information. |
| File XREF Number | Enter any other Commission file numbers or the Crown land tenure number to which the proposed activity is related. |
| Attachments | Attachments may include First Nations Engagement Log and cover letter where required. |