

Bulletin 2015-20

June 10, 2015

Release of Revised *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities*

We have released a revised version of the *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities (Procedures)*, which details how the Aboriginal Consultation Office (ACO) and the Alberta Energy Regulator (AER) will administer and coordinate their respective operations on matters relating to First Nations consultation. The *Procedures* also sets out, in section 4, a requirement for applications under the specified enactments (*Mines and Minerals Act* [Part 8], *Public Lands Act*, *Water Act*, and *Environmental Protection and Enhancement Act*). This new requirement comes into effect July 1, 2015.

Background

On October 31, 2014, a ministerial order on aboriginal consultation (*Energy 105/2014 and Environment and Sustainable Resource Development 105/2015*) was issued that provided direction to the AER on matters relating to First Nations consultation.

In *Bulletin 2015-04*, dated February 4, 2015, we announced the public release of the *Procedures*, signed on December 10, 2014, containing detailed procedures developed in accordance with the ministerial order and application requirements.

In *Bulletin 2015-10*, dated February 26, 2015, we announced that we would delay implementing the requirement to submit a First Nations consultation declaration form and the application requirements in the *Procedures*.

After further review of the new requirements, we've decided to replace the requirement to submit a declaration and revise the requirements in the *Procedures*.

Main Revision

Section 4 now refers to an application supplement on First Nations consultation. Effective July 1, 2015, this supplement must be completed and submitted as part of any application to the AER under the

specified enactments, except for those activities identified in appendix C of *The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management*.

In the supplement, the applicant must identify, among other things, whether First Nations consultation was required. If First Nations consultation was required, the applicant must complete a First Nations impacts and mitigation table summarizing the First Nations that were consulted, any potential adverse impacts on the existing rights of aboriginal peoples or their traditional uses that were identified during consultation, and any mitigation proposed by the applicant during consultation. Instructions on completing the table are provided in the supplement.

Completed supplements are to be submitted using one of the methods described below. The file name of the supplement document should contain "FNC Application Supplement" and the date (e.g., FNC-Application-Supplement-YYYY-MM-DD).

If the pre-consultation assessment or the ACO report is being submitted with the supplement, it is to be combined with the supplement to form one document.

Submissions through the Electronic Disposition System (EDS) are to be made using the attachment field labelled "FNC Additional Information."

- *Public Lands Act*, Enhanced Approval Process (EAP) applications: Upload the supplement through EDS. The application will not be accepted in EDS without the supplement.
- *Public Lands Act*, non-EAP applications: If the supplement is available at the time the application is submitted through EDS, submit the supplement with the application. Otherwise, e-mail the supplement to [AERSurfaceActivityApplication@aer.ca](mailto:AERSurfaceActivityApplication@ aer.ca).

For the applications below, if at the time the application is made, the proponent has either a decision by the ACO that no consultation is required or a report by the ACO that consultation has been adequate, the proponent is encouraged to include the supplement with the e-mailed application. Otherwise, the supplement is to be e-mailed separately.

- Oil Sands or Coal Exploration Program applications: e-mail to [AERSurfaceActivityApplication@aer.ca](mailto:AERSurfaceActivityApplication@ aer.ca).
- *Mines and Minerals Act* (Part 8) applications: e-mail to [Exploration@aer.ca](mailto:Exploration@ aer.ca).
- *Environmental Protection and Enhancement Act* and *Water Act* applications: e-mail to [EPEA.WA.Applications@aer.ca](mailto:EPEA.WA.Applications@ aer.ca).

The supplement, the revised *Procedures*, and the ministerial order, as well as an updated list of frequently asked questions and answers, can be accessed at www.aer.ca > Rules & Directives > By Topic > Aboriginal Consultation.

Contact Information

The AER is the point of contact for industry on matters relating to the *Procedures*, including the application requirement. General inquiries about this bulletin can be made to inquiries@er.ca or 1-855-297-8311.

The ACO is the point of contact for First Nations and Métis on matters relating to the *Procedures*. The ACO provides staff contact information on its website at www.aboriginal.alberta.ca.

<original signed by>

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Vice President
Authorizations