



**OIL AND GAS COMMISSION
ADVISORY COMMITTEE**

ANNUAL REPORT 2004-2005

Table of Contents

Message from the Chair	3
Role of Advisory Committee	4
The Committee	5
New Appointees	7
Administration of the Advisory Committee	8
The Request for Reconsideration Process	9
Requests for Reconsiderations in Review	10
Summary of Requests for Reconsideration	21
Regular Meetings	25
Recommendations made to the Commissioner	26

Message from the Chair

On behalf of the Advisory Committee members it gives me great pleasure to submit the Committee's Annual Report for 2004-2005. This year was a transition year, with three new members being appointed in November. We wish to thank retiring members Bob Fedderly, Carylin Greatbanks and Wayne Sawchuk.

The Advisory Committee has taken strong steps to refine its role in relation to the Oil and Gas Commission, and the Committee continues to recommend improvements to internal functions and processes.

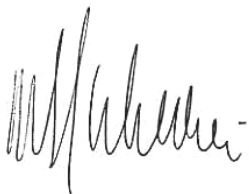
The number of Requests for Reconsideration rose sharply this year and served to identify a number of areas within oil and gas activity that require the Committee's and the Commission's attention

We wish to thank the staff of the Oil and Gas Commission, and in particular Commissioner Doyle, for their professionalism and assistance in providing support services for the Advisory Committee and for responding to inquiries and recommendations of the Advisory Committee in a timely manner.

We hope the attached Annual Report is useful and informative. If you have any comments or suggestions, please contact Monica Walker, Advisory Committee Secretary, at (250) 261-5748.

We look forward to continuing to serve in this important role in the years ahead.

Sincerely,



Mike Waberski, Chair

ADVISORY COMMITTEE

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Role of the Advisory Committee

7 (1) The minister must establish an advisory committee to

- (a) provide advice and make recommendations to the commission as to the fulfillment of the commission's purposes and its adherence to the responsibilities of the commission under section 17,
- (b) fulfill that committee's role described in section 9,
- (c) anticipate and identify environmental, economic and social issues arising out of the commission's operations,
- (d) by June 30 of each year, review the commission's operating plans and audited financial statements for the fiscal year of the commission that ended on March 31 of that year, and
- (e) assist the commission to develop short and long term operating plans.

(2) The commission may pay to an advisory committee member

- (a) an allowance for reasonable traveling and incidental expenses necessarily incurred in carrying out the responsibilities of the advisory committee, and
- (b) if the advisory committee member is not a member of the Legislative Assembly or a public servant, remuneration at rates set by the Lieutenant Governor in Council.”

9 (1) The advisory committee, on application in the prescribed manner by an interested person, may request that the commission grant an authorization, referred to in section 8 (2), in respect of any decision of the commission other than a decision for which a right of appeal is provided under section 136 of the Petroleum and Natural Gas Act, section 44 of the Waste Management Act or section 40 of the Water Act.

(2) If the commission grants the authorization requested by the advisory committee,

- (a) the effect of the commission's original decision is suspended pending the outcome of the reconsideration under paragraph (b), and*
- (b) following the consensual alternative dispute resolution process, and after taking into account the recommendations referred to in section 8 (3), if there are any, the commission must reconsider the original decision and redecide the matter in a manner the commission considers appropriate.*

(3) The advisory committee must exercise its discretion to make a request under subsection (1) within the prescribed period after the decision that is the subject of the request.

(4) The commission must

- (a) grant or refuse the request within the prescribed period after it receives the request, and*
- (b) redecide the matter that is the subject of the request within the prescribed period after granting the request.*

The Committee

The Advisory Committee is comprised of eight regular members and two ex-officio members. Members have been selected primarily for their personal contributions to the Committee, rather than for their ability to represent a particular constituency. Members provide the Commission with the benefit of their experience and knowledge, and are not expected to speak on behalf of a particular sector or lobby.

The Advisory Committee appointments as of November 4, 2004:

Kathi Dickie, (Vice-Chair)

Nov 2002 - Nov 2006

Kathi Dickie is a Dene from the Fort Nelson First Nation. She attended the Alaska Highway Consortium on Teacher Education at Northern Lights College and then went on to complete her Bachelor's degree at Simon Fraser University. Kathi has been involved in all aspects of community development for the last 20 years including education, employment, and economic development.

Jim Campbell

Nov 2002 - Nov 2006

Jim Campbell is a businessman who established W. J. Campbell Contracting Ltd. in 1990. Jim's past and present community and civic activities have included being the Director and Chair of Industry Committee – Fort Nelson & District Chamber of Commerce, Co-Chair of the Fort Nelson Oil and Gas Conference in 2001 and Fort Nelson Economic Task Force. Mr. Campbell is also a volunteer at the Northern Rockies Regional District, and the Town of Fort Nelson.

Michelle Gardner

Nov 2002 - Nov 2006

Michelle Gardner attended the Grande Prairie Regional College from 1982 to 1983 and furthered her education with a Diploma in Business Administration from Mount Royal College in Calgary (1988-1990). Michelle established her own business, On-Site Camp Services Inc., in 1993 and was a former partner with Pipeline Construction Company from 1993 to 1999.

Van Greig

Nov 2002 - Nov 2006

Van Greig has been an employee of Shell Canada since 1977. For two years, Van was Chair of the CAPP Geophysical Committee. Van was also a member of the BC Trapper Compensation Program team. Van is currently a member of the Canadian Association of Geophysical Contractors (CAGC) and the Canadian Association of Petroleum Producers (CAPP).

David Pryce

Nov 2002 – Nov 2006

David Pryce obtained a degree in Physical Geography from York University (1973-1977). He is employed at the Canadian Association of Petroleum Producers. In past years, David has worked for the National Energy Board (1993-1994), worked as an independent environmental consultant (1991 to 1993) and worked for BP Canada (1982-1993).

Thanks

The Advisory Committee would like to thank **Bob Fedderly, Chair, Wayne Sawchuk** and **Carylin Greatbanks** for their hard work and dedication to the Committee and for providing valuable advice and recommendations to the Oil and Gas Commission during their terms of appointment.

New Appointees as of November, 2004

Michael G. J. Waberski, (Chair)
B.C.L.S.

Nov 2004 – Nov 2008

Michael Waberski is a Professional British Columbia Land Surveyor with Waberski Darrow Survey Group Ltd. of Fort St. John. He has 26 years experience as a professional land surveyor. Areas of expertise include planning, survey engineering, project analysis, and design as well as liaison with various government agencies.

Mike has been involved in the Oil and Gas Industry in Northeastern British Columbia for the past 25 years. In 1982, Mike founded Waberski Darrow and in 2000 became the president of EBA Waberski Darrow, a new joint venture company formed with EBA Engineering Consultants Ltd. offering environmental and land management services for the Oil and Gas sector.

Mike has successfully participated in a broad spectrum of Oil and Gas Industry projects and numerous cadastral surveying projects. He has also been involved in various regulatory review initiatives and was active in the OGC Practice Advisory Group.

Shirley Viens

Nov 2004 – Nov 2008

Shirley lives in Cecil Lake and is a partner in the family business, Framst & Viens Farm, which began as her grandparents' homestead in 1930. Shirley and her daughter own a corporate communications and advertising business, Crayon Box Design & Promotions Ltd. She graduated from North Peace Secondary School and went on to Simon Fraser University for two years. Ms. Viens was an on-call teacher with School District 60 for 20 years, during which time she was the head coach of the school district gymnastics team and a 4-H leader. Ms. Viens is a member of many organizations, some of which include the Rotary Club of Fort St. John, the Fort St. John & District Chamber of Commerce and the Nor¹ Pioneer Women's Institute.

Allan Blair

Nov 2004 – Nov 2008

Allan graduated from the University of Saskatchewan in 1964 with a Bachelor of Science of Agriculture. He is a member of the BC Institute of Agrologists and has worked as an agrologist for the Governments of Alberta, Saskatchewan and British Columbia. Mr. Blair was the founding Director of the Charlie Lake Conservation Society and acted as both Vice-President and President of the Society at one time. Mr. Blair was also President of the P. R. Branch of the BC Institute of Agrologists and also one of the founding Directors for the Peace River Watershed Council.

Administration of the Committee

The Chair would like to extend a special thanks to the Committee's staff, Jennie Leidl, Melanie Majer and Monica Neilson for their hard work over the past year and their dedication to the smooth administration of the Committee.

The staff worked long hours tirelessly to ensure that material going before the Committee was complete and accurate and that all meetings proceeded flawlessly.

If you have any questions, please contact the Advisory Committee Secretary, Monica Walker.

Advisory Committee Secretary's Contact Information:

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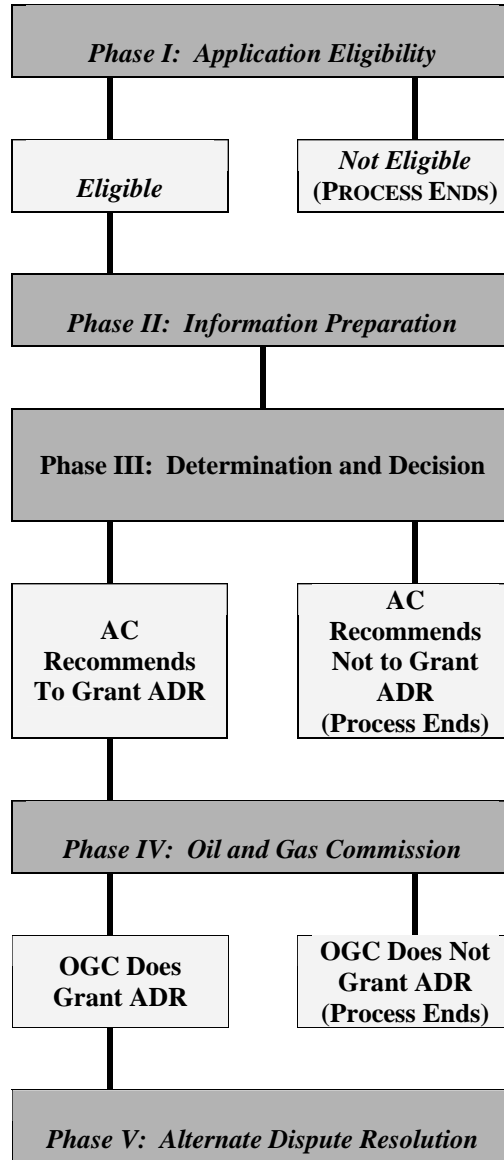
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The Request for Reconsideration Process



OIL AND GAS
COMMISSION
ADVISORY
COMMITTEE

Request For Reconsideration Process



Timeline for completion of Phase I thru to Phase III is 30 business days

Timeline for completion of Phase IV is 5 business days

Abbreviations:

AC = Advisory Committee
ADR = Alternate Dispute Resolution
OGC = Oil and Gas Commission

Requests for Reconsideration in Review

The Advisory Committee reviewed nineteen Requests for Reconsiderations throughout the 2004-2005 fiscal year.

FY05-01 **ADR Applicants:** Ole and Donna Getz
Original Applicant: Talisman Energy Inc.
Committee Decision: July 26, 2004

This Request for Reconsideration was brought by Ole and Donna Getz with respect to a well site approval issued to Talisman Energy Inc. (Talisman). The applicants had concerns about their health and the health of their animals if exposed to H2S flaring.

The Committee did not request alternative dispute resolution (ADR) on the basis that Talisman Energy met and exceeded all OGC requirements.

- *The Committee did not request ADR*

FY05-02 **ADR Applicants:** Blueberry River First Nation/Halfway River First Nation
Original Applicant: Husky Oil
Committee Decision: September 23, 2004

This application was brought by the Blueberry River First Nation and the Halfway River First Nation in respect of a well site approval granted to Husky Oil. The grounds for this application were failure by the OGC to consider and take into account the Aboriginal and Treaty 8 rights of these two First Nations. Before the application came before the Committee for consideration, Husky Oil withdrew its well site application due to technical difficulties.

FY05-03 **ADR Applicants:** West Moberly First Nation
Original Applicant: EnCana Corporation / Burlington Resources Canada Ltd.
Committee Decision: October 12, 2004

Request for Reconsideration was brought by the West Moberly First Nation (WMFN) with respect to a number of well site and pipeline approvals granted to the companies. The grounds relied on by the WMFN were that: (1) the OGC failed to properly consider and take into account their Aboriginal and Treaty rights, including their rights under Treaty 8 as recognized and affirmed by section 35 of the *Constitution Act, 1982*; and, (2) the OGC failed to respect Aboriginal and Treaty Rights as required under section 4 of the *Oil and Gas Commission Act*.

The Committee requested ADR on the basis that it felt the application of ADR might be helpful in resolving the WMFN's concerns respecting the cumulative impact of development in the area. The Committee also expressed some concerns about an OGC practice of proceeding with an evaluation and decision on an application where no response is received to its consultation package within the prescribed time period (called Note to File), as this practice might permit proponents to avoid consultation.

- *The Committee requested ADR.*

Commissioner's Decision:

The Commissioner rejected the request on the following basis:

- (a) cumulative impact management is a matter that cannot be addressed by a consensual ADR process between a First Nation and a company; and
- (b) the OGC's use of Notes to File and the ten day response period in the agreements and MOUs with First Nations was jointly established. There is a provision for seeking extensions to the ten day time limit and although an extension was granted in this case, several reminders and reports were sent to the First Nations with no response. Notes to File are a reasonable action and form part of the Commission's decision-making process which include consideration of other reasonably available information relating to potentially impacted Treaty rights.

- ***The Commissioner rejected the request.*** (October 18, 2004)

FY05-04 **ADR Applicants:** Blueberry River First Nation
 Original Applicant: Impact Energy Inc. / EnCana Corporation
 Committee Decision: November 5, 2004

This Request for Reconsideration was brought by the Blueberry River First Nation (BRFN) with respect to three well site approvals granted to Impact Energy Inc. and one pipeline approval granted to EnCana Corporation. The grounds for reconsideration were that the OGC, in granting the approvals, had failed to properly consider the BRFN's Aboriginal and Treaty Rights and failed to respect those rights as required under section 4 of the *Oil and Gas Commission Act*. The BRFN was concerned about the level of oil and gas activity occurring on Treaty 8 lands and expressed a desire to have a comprehensive cumulative impact assessment carried out in respect of that activity. It also expressed concerns about the inadequacies of aboriginal consultation.

The Advisory Committee noted that the BRFN had increasingly used the reconsideration process as a vehicle for raising its underlying concerns about the adequacy of consultation efforts and the cumulative impacts of oil and gas development. The Committee decided to request ADR in order to encourage the OGC to seek to address those concerns through ADR or otherwise.

- ***The Committee requested ADR.***

Commissioner's Decision:

The Commissioner notes that, in regards to the adequacy of the consultation process (and as noted by the Committee), the consultation process is provided for in the Memorandum of Agreement entered into between the Commission, the BRFN and the Ministry of Energy and Mines. The Committee also confirmed the Commission's ongoing efforts to engage the BRFN in consultation and the absence of a response from them. To the extent that the BRFN raise concerns respecting the interpretation and application of the process set out in the Memorandum of Agreement, such a dispute is not one that would benefit from an ADR process between a First Nation and a company. The appropriate forum within which the First Nation's voice can be formally expressed and responded to regarding consultation is through the Agreement.

Regarding the matter of cumulative impact management, the Commission has expressed the view that the instrument of land use planning is the appropriate way to address this subject. The parties most vital to the process of land and resource planning such as the Ministry of Sustainable Resource Management, Ministry of Energy and Mines, Ministry of Forests, Ministry of Water Land and Air Protection and other users of the land need to be fully engaged in the planning process to yield results that can guide future decision-making for all resource users, including First Nations. Cumulative impact management is not a matter that can be addressed by a consensual ADR process between a First Nation and a company.

- ***The Commissioner rejected the request.*** (November 15, 2004)

FY05-05 **ADR Applicants:** Barry Sterling
 Original Applicant: Cougar Hydrocarbons Inc.
 Committee Decision: November 19, 2004

This Request for Reconsideration was brought by Barry Sterling, landowner, in respect of a well site approval granted to Cougar Hydrocarbons (“Cougar”). The applicant was concerned that the well was too close to his home. It was his understanding that there was a review of the applicable regulations underway and suggested that a moratorium be placed on all wells close to residential development until release of the new regulations.

The Committee noted that it does not have the authority under the Act to impose a moratorium on any form of oil and gas development and that, accordingly, the remedy that the applicant asked for is not one that the Committee can provide. The Committee also commended both the company and the OGC for the early, substantial and meaningful consultation that took place with all of the forty-nine landowners within the emergency planning zone. The proponent company addressed, with all landowners, the companies proposed action to address safety concerns, noise levels, water well flow and contamination concerns, traffic flow, flaring causing odors and devaluation of property that could potentially be subdivided, resulting in an additional 15 conditions being placed on the permit.

The Committee noted that the well-site application was not high risk, but that it was high profile. Although the Committee did not request ADR, it recommended that: (1) once Cougar has completed the drilling and completion of the well, the site be landscaped in such a manner that visual impact will be minimal; and (2) the OGC advise Cougar that the conditions placed on the well approval permit are minimum requirements and that, due to the high profile of this well location, Cougar may want to consider exceeding these requirements where appropriate; (3) the OGC actively monitor Cougar’s activities on a daily basis through to completion of the work to ensure that all of the approval conditions are either met or exceeded; and (4) on completion of the work, the OGC ensure that the landscaping plan and other post-completion conditions are fully complied with. The Committee also asked for a report back from the OGC with its findings respecting condition compliance in order to offer an opportunity for lessons learned from this project.

- *The Committee did not request ADR.*

FY05-06 **ADR Applicants:** Blueberry River First Nation
Original Applicant: Relentless Energy Corporation
Committee Decision: November 24, 2004

This Application for Reconsideration was brought by Blueberry River First Nation (BRFN) with respect to an access road approval granted to Relentless Energy Corporation. The grounds on which the BRFN sought reconsideration were: (1) failure by the OGC to properly consider and take into account their Aboriginal and Treaty Rights; and (2) failure by the OGC to respect rights their rights under section 4 of the *Oil and Gas Commission Act*. The BRFN raised concerns about the adequacy of consultation efforts and the lack of any comprehensive cumulative impact study into the effects of oil and gas activity within Treaty 8. The BRFN asked the Committee to suspend the approval until the OGC provided written reasons for the approval.

The Committee noted that the BRFN's challenge to the approval decision was based primarily on broad constitutional grounds relating to their Treaty and Aboriginal rights and the Crown's consultation and accommodation obligations. The Committee found that it did not have any jurisdiction to consider and decide constitutional questions such as those raised by the BRFN, including the question of whether the OGC carried out its responsibilities in compliance with section 4 of the Act as that provision merely reflects a legislative intention that the Act be administered in a manner that is consistent with constitutionally-based Aboriginal and Treaty rights.

The Advisory Committee observed that the OGC complied with the consultation process established in the Memorandum of Understanding between the BRFN, the Commission and the Ministry of Energy Mines, but that the BRFN had not followed the established process for bringing specific concerns to the attention of the OGC. The Committee expressed its view that, if the BRFN was dissatisfied with the process set out in the Memorandum of Understanding, it should seek an amendment to that agreement.

The Committee added that the BRFN's concerns about the cumulative effects of various approvals within the Treaty area transcend any individual approval application and may well transcend issues relating solely to the oil and gas industry. The Committee noted that it had, for that reason, recently encouraged the OGC to bring those concerns to the attention of the Ministry of Energy Mines (see FY05-04). The Committee decided not to recommend ADR with respect to the cumulative effects issue because of the OGC's stated commitment to initiate a dialogue with the BRFN to engage them in a planning process to address to their concerns, and in light of the fact that the issues go far beyond ones that the OGC alone has the mandate to address. The Committee expressed its view that First Nations' proactive involvement in a sustainable resource management plan process was critical.

The BRFN also raised some information errors as the basis for seeking reconsideration. Because those concerns were raised after (rather than before) the approval decision had been made, the Committee declined to request ADR .

- *The Committee did not request ADR.*

FY05-07 (A) **ADR Applicants:** Doig River First Nation
Original Applicant: Apache Canada Ltd.
Committee Decision: December 6, 2004

This reconsideration application was brought by the Doig River First Nation (DRFN) with respect to a well approval granted to Apache Canada Ltd. Almost all of the grounds raised by the DRFN in support of its application were based on broad constitutional issues respecting their Treaty and Aboriginal rights, and the Crown's consultation and accommodation obligations. As the Advisory Committee does not have jurisdiction to consider these grounds (see FY05-06), it decided not to request ADR on this basis. The Advisory Committee's review of the materials did not reveal any non-compliance in the approval process with the applicable legislation or guidelines, or the process set out in the OGC's MOU with the DRFN.

FY05-07 (C) **ADR Applicants:** Doig River First Nation
 Original Applicant: Canadian Natural Resources Limited
 Committee Decision: December 6, 2004

This reconsideration application was brought by the Doig River First Nation (DRFN) with respect to a pipeline approval granted to Canadian Natural Resources Limited. As was the case with its applications in respect of FY05-07(A) and (B), almost all of the grounds raised by the DRFN in support of its application were based on broad constitutional issues respecting their Treaty and Aboriginal rights, and the Crown's consultation and accommodation obligations. As the Advisory Committee does not have jurisdiction to consider these grounds (see FY05-06), it decided not to request ADR on this basis. The Advisory Committee's review of the materials did not reveal any non-compliance in the approval process with the applicable legislation or guidelines, or the process set out in the OGC's MOU with the DRFN. Again, the Committee encouraged the OGC to make a commitment to initiate a dialogue with the DRFN to engage them in a planning process involving the MSRM to address their concerns

- *The Committee did not request ADR.*

FY05-08 **ADR Applicants:** Fort Nelson First Nation
 Original Applicant: Penn West Petroleum Ltd.
 EnCana Corporation
 Committee Decision: December 23, 2004

This Request for Reconsideration was brought by the Fort Nelson First Nation (FNFN) in respect of three General Development Permits granted to the companies. The grounds on which the application was brought were that: (1) the directive from the Commissioner is unduly influencing the approvals of these permits without the resolution of the concerns put forward by the FNFN; (2) the Chief and Council of the FNFN did not have the opportunity to review the plans, due to OGC not resolving their concerns; (3) the OGC implemented new Pipeline and Archaeology guidelines and procedures that will affect the permits without any meaningful consultation with the FNFN; and (4) the OGC went "Notes to File" on November 10, 2004 indicating they would be approving the permits when in fact the permit was approved on November 9, 2004.

The first ground related to a directive issued by the Commissioner which provides that the OGC may approve a GDP application in the absence of a response from the First Nation. While the FNFN identified general concerns with respect to the approval process, the Advisory Committee noted that those concerns were not specific to the three GDP's in question; nor was there any suggestion that the companies had failed to fulfill their obligations in relation to the three permits. The Advisory Committee concluded that there was no basis to conclude that the permits had been improperly issued under the process established by the OGC. The second reconsideration ground alleged that the FNFN did not have the opportunity to review the plans. The Advisory Committee concluded on the evidence that there was an opportunity to review plans but that the FNFN had decided not to respond because of their dissatisfaction with the OGC's approach to consultation. The third reconsideration ground alleged that the OGC had implemented new Pipeline and Archaeology Guidelines without any meaningful consultation with the FNFN. The Advisory Committee concluded that, in the absence of site specific concerns regarding the permits in question, this issue could not be addressed in a section 9 application. It noted that section 9 does not provide the forum for debating the wisdom of administrative procedures or policies in a vacuum. The final reconsideration ground related to the fact that OGC had sent a letter giving notice that it would be moving forward to approve one of the permits on November 10, 2004 when in fact it had already issued the permit on November 9, 2004. The Advisory Committee accepted the explanation from the OGC that the permit was mistakenly dated November 9, 2004 and had since been replaced with a properly dated permit to reflect the actual date of decision. The Advisory Committee concluded that this inadvertent error did not warrant an exercise of discretion under section 9 of the Act.

- *The Committee did not request ADR.*

FY05-09 **ADR Applicants:** West Moberly First Nation
Original Applicant: Burlington Resources Canada (Hunter) Ltd.
Talisman Energy Inc.
Devon ARL Corporation
Canadian Natural Resources Limited
EnCana Corporation
Committee Decision: January 25, 2005

This Request for Reconsideration was brought by the West Moberly First Nation (WMFN) in respect of six approvals granted to the companies. The grounds on which the WMFN sought reconsideration were: (1) failure by the OGC to properly consider and take into account their Aboriginal and Treaty Rights; (2) failure by the OGC to respect their rights under section 4 of the *Oil and Gas Commission Act*; (3) absence of any comprehensive consideration of environmental, health, safety, socio-economic and cultural issues that had consistently been raised by the WMFN; (4) failure by the OGC to assess the cumulative impacts of oil and gas and other developments on the WMFN; (5) failure by the OGC to consider impact on trap lines; and (6) the OGC's improper practice of going "Notes to File" when no response is received from the First Nation even in the absence of required archeological information.

The Advisory Committee noted that the WMFN's challenge to the approvals was based primarily on broad constitutional grounds relating to their Treaty and Aboriginal rights and the Crown's consultation and accommodation obligations. The Advisory Committee found that it did not have jurisdiction to consider and decide constitutional questions such as those raised in this application, including the question of whether the OGC carried out its responsibilities in compliance with section 4 of the Act.

The Advisory Committee noted that the challenge was also based in part on concerns regarding the cumulative effects of various approvals on the WMFN. The Committee concluded that those concerns transcend any individual approval application and may well transcend issues relating solely to the oil and gas industry. The Advisory Committee encouraged the OGC to raise those concerns with the Ministry of Energy and Mines.

The Advisory Committee noted that the challenge was also based on a concern that the WMFN was not receiving archaeological information regarding the applications and could not respond in the absence of such information. The Advisory Committee observed that the requirement for archaeological impact assessments is driven by the *Heritage Conservation Act* and does not fall under the OGC's duty to consult. It noted that all of the approvals contain provisions that require the cessation of activities in the event that archaeological artifacts or features are encountered and require the company to contact the Archaeology Branch and the OGC to initiate management strategies. The Committee also noted that all but one of the approvals required further archeological assessment work prior to the commencement of development activities. One permit did not require further assessment work because all of the archaeological field assessment had been completed prior to issuance of the approval.

The Advisory Committee concluded that the basis for the challenge related solely to the actions of the OGC and that its review of the materials did not reveal any non-compliance with the approval process with the applicable legislation, guidelines or the process set out in the Memorandum of Understanding with the WMFN. The Advisory Committee expressed concern, however, that the WMFN did not have confidence that the development activities would immediately cease in the event that archaeological artifacts or features were discovered in the approval areas. The Advisory Committee indicated that the WMFN should have access to archaeology information as soon as it becomes available and recommended that the OGC consider amending its current guidelines to include: (a) a requirement that First Nations will be provided with a copy of the completed detailed assessment report indicating archaeology potential as soon as it becomes available; and (b) a requirement that copies of all archaeological assessment reports be provided to the First Nations when they are available to ensure that the First Nations have the ability to review the supplied information.

- *The Committee did not request ADR.*

FY05-10	ADR Applicants:	West Moberly First Nation
	Original Applicant:	EnCana Corporation
	Committee Decision:	February 2, 2005
FY05-11	ADR Applicants:	West Moberly First Nation
	Original Applicant:	Cougar Hydrocarbons Inc. c/o Starpoint Energy Ltd.
	Committee Decision:	February 2, 2005

Both these Reconsideration Applications were brought by the West Moberly First Nation (WMFN) and were considered together.

As the Committee noted that some of the grounds relied on were substantially the same as those considered in FY05-09, it decided not to request ADR based on these grounds for the reasons given in that decision. The other grounds relied on by the WMFN were: (1) the OGC failed to give consideration to environmental, health and safety, socio-economic and cultural issues; (2) the appeal process (often a project is complete by the time an application is made); and (3) administrative unfairness (three of the nine conditions requested by the WMFN were included in the EnCana approval, and only one of the nine requested were included in the Cougar approval).

In relation to the first ground, the Advisory Committee noted that it was possible that some of these issues might fall outside the broad scope of their cumulative impact concerns. To that extent, the Committee also noted that only general concerns had been expressed in each of the two applications at issue. No specifics of how the approval process may have impacted these broad issues had been provided and so the Advisory Committee was not able to determine if it had jurisdiction to consider them.

To the extent the WMFN raised concerns about the reconsideration process, the Committee pointed out that because a reconsideration application does not trigger a suspension of the approval decision, the deficiency is one that is statute-based.

Regarding the exclusion of conditions requested by the WMFN on the approval permit, the Committee found that some of the requested conditions could not be included because the subject matter was regulated under either the Act or another statute that is not administered by the OGC. In relation to the other requested conditions, the Committee determined that the subject matter of the specific concern had been covered off elsewhere in the approvals. The Committee concluded that, when considered overall, the WMFN's concerns about the inclusion of all of its requested conditions was not a sufficient basis for requesting the Commission to engage in reconsideration of the subject approvals.

Although it ultimately decided not to request ADR, the Committee made some general observations and recommendations. Among other things, the Committee encouraged better communication between the Commission and First Nations about the inclusion or non-inclusion of requested conditions and suggested that the Commission clearly document and communicate to First Nations why certain conditions are not included. The Advisory Committee also felt that the WMFN could have copied EnCana and Cougar with their letters to the Commission in which they state their concerns and request conditions. Although the WMFN is clearly not obligated to do this, it is helpful to directly alert companies to any concerns as early as possible in the approval process.

- *The Committee did not request ADR.*

FY05-12 **ADR Applicants:** West Moberly First Nation
Original Applicant: Talisman Energy Inc.
Committee Decision: February 2, 2005

For the reasons given collectively in these latter decisions, the Committee declined to request ADR.

- *The Committee did not request ADR.*

FY05-13 **ADR Applicants:** West Moberly First Nation
Original Applicant: Burlington Resources Canada Ltd.
 Canadian Natural Resources Ltd.
 EnCana Corporation
 Suncor Energy Inc.
Committee Decision: March 11, 2005

The grounds on which the West Moberly First Nation (WMFN) brought this request for reconsideration were substantially the same as those grounds that formed the basis for the Advisory Committee's decisions FY05-09, FY05-10, FY05-11, and FY05-12. For all of the reasons collectively given in those decisions relating to each of the various grounds the WMFN relied on in respect of this application, the Advisory Committee decided not to grant its reconsideration request. The grounds are outside of the Advisory Committee's narrow and statutorily prescribed reconsideration mandate in section 9 of the *Oil and Gas Commission Act*, and the remedy ultimately sought – ADR – is not an appropriate means for facilitating settlement of the issues raised by the WMFN.

- *The Committee did not request ADR.*

FY05-14 **ADR Applicants:** West Moberly First Nation
Original Applicant: Canadian Natural Resources Ltd.
 Devon Canada
 Duvernay Oil Corp.
 EnCana Corporation
Committee Decision: March 11, 2005

The grounds on which the West Moberly First Nation (WMFN) brought this request for reconsideration are substantially the same as those grounds which formed the basis for the Advisory Committee's denial of WMFN reconsideration requests in decisions FY05-09, FY05-10, FY05-11, FY05-12, and FY05-13. For all of the reasons collectively given in those decisions, the Advisory Committee decided not to grant its reconsideration request.

- *The Committee did not request ADR.*

FY05-15 **ADR Applicants:** West Moberly First Nation
Original Applicant: Northpoint Energy Ltd.
 Canadian Natural Resources Ltd.
 Devon Canada Corp.
Committee Decision: March 11, 2005

The grounds on which the West Moberly First Nation (WMFN) brought this request for reconsideration were substantially the same as those grounds which formed the basis for the Advisory Committee's denial of WMFN reconsideration requests in decisions FY05-09, FY05-10, FY05-11, FY05-12, FY05-13, and FY05-14. For the reasons given in those decisions, the Committee decided not to request ADR.

- *The Committee did not request ADR.*

FY05-19 **ADR Applicants:** West Moberly First Nation
 Original Applicant: Canadian Natural Resources Limited
 Committee Decision: March 30, 2005

The grounds on which the West Moberly First Nation (WMFN) brings its request for reconsideration were substantially the same as those grounds which formed the basis for the Advisory Committee's denial of WMFN reconsideration requests in the decisions for FY05-09, FY05-10, FY05-11, FY05-12, FY05-13, FY05-14, FY05-15, FY05-16, FY05-17 and FY05-18.

For all of the reasons collectively given in those decisions relating to each of the various grounds relied on by the WMFN, the Advisory Committee decided not to grant its reconsideration request.

- *The Committee did not request ADR.*

Summary of Requests for Reconsideration

Summary: To date, there have been 53 Requests for Reconsideration to the Advisory Committee (AC) for Alternative Dispute Resolution (ADR). The AC declined 45 and recommended eight (8). The OGC declined eight (8) but offered ADR, separately defined, for three (3).

	Fiscal Year	Applicant	Advisory Committee Recommendation	Commission Decision	Reason for Decision
FY01-01	2001	Oil company	Declined	N/A	<ul style="list-style-type: none"> Time expired.
FY02-01	2002	Guide outfitter	Approved	Declined	<ul style="list-style-type: none"> Conflicting tenures issue. OGC initiated Conflict Tenures project.
FY02-02	2002	BR First Nations	Declined	N/A	<ul style="list-style-type: none"> Covered by MOU; policy issues; Treaty Rights; Cumulative Impact Management.
FY03-01	2003	BR First Nations	Declined - with recommendations	N/A	<ul style="list-style-type: none"> Covered by MOU; policy issues; Treaty Rights; Cumulative Impact Management.
FY03-02	2003	Landowner/ Resident	Declined	N/A	<ul style="list-style-type: none"> Time expired.
FY03-03	2003	SFN and WM First Nations	Approved (1 file); Declined (1file)	Declined (1)	<ul style="list-style-type: none"> Covered by MOU; policy issues; Treaty Rights; Cumulative Impact Management. Not suitable for ADR by company and First Nation.
FY04-01	2004	SFN and WM First Nations	Approved	Declined	<ul style="list-style-type: none"> Covered by MOU; policy issues; Treaty Rights; Cumulative Impact Management. Not suitable for ADR by company and First Nation.
FY04-02	2004	Landowner/ Resident	Approved	Declined	<ul style="list-style-type: none"> The OGC offered consensual ADR to the parties for matters related to Emergency Response Plan (ERP). Project did not proceed.
FY04-03	2004	SFN and WM First Nations	Approved	Declined	<ul style="list-style-type: none"> The Commission offered ADR under section 8 of the act as a separate initiative which led to SRM Planning.
FY04-04	2004	WM First Nations	Approved	Declined	<ul style="list-style-type: none"> The Commission offered ADR under section 8 of the act as a separate initiative which led to SRM Planning.

	Fiscal Year	Applicant	Advisory Committee Recommendation	Commission Decision	Reason for Decision
FY04-05	2004	FN First Nation	Declined - with recommendations	Declined	<ul style="list-style-type: none"> The project is underway.
FY04-06	2004	WM First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY05-01	2005	Resident	Declined	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY05-02	2005	HR First Nation and BR First Nations	Declined	N/A	<ul style="list-style-type: none"> Company withdrew application for wellsite. The AC did not review this application.
FY05-03	2005	WM First Nations	Approved	Declined	<ul style="list-style-type: none"> Issues addressed are not ones that could effectively be addressed by ADR. The Commission stated that 10 day response period for notes to file is in agreements and MOUs with the FN.
FY05-04	2005	BR First Nations	Approved	Declined	<ul style="list-style-type: none"> Issues addressed are not ones that could effectively be addressed by ADR. The Commission initiated dialogue with the applicant and MSRM to examine in a planning process.
FY05-05	2005	Land owner	Declined - with recommendations	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY05-06	2005	BR First Nations	Declined - with recommendations	N/A	<ul style="list-style-type: none"> Issues are beyond the authority of AC; OGC engaging FN in proactive involvement in SRMP.
FY05-07	2005	DR First Nation	Declined - with recommendations	N/A	<ul style="list-style-type: none"> Broad issues beyond the scope of authority of the AC.
FY05-08	2005	FN First Nation	Declined - with recommendations	N/A	<ul style="list-style-type: none"> Beyond scope of AC's mandate, grounds were of administrative nature to OGC process.
FY05-09	2005	WM First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> No jurisdiction to address.
FY05-10	2005	WM First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> OGC action reveals no non-compliance. Many conditions regulated under acts or other statutes; therefore, inclusion of certain conditions is unnecessary.
FY05-11	2005	WM First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> OGC action reveals no non-compliance. Many conditions

	Fiscal Year	Applicant	Advisory Committee Recommendation	Commission Decision	Reason for Decision
					regulated under acts or other statutes; therefore, inclusion of certain conditions is unnecessary.
FY05-12	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> No jurisdiction to address. OGC actions reveal no non-compliance.
FY05-13	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-14	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-15	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-16	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-17	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-18	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY05-19	2005	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-01	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-02	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-03	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-04	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-05	2006	BR First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> No grounds to grant ADR.
FY06-06	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-07	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-08	2006	BR First Nations	Declined – with recommendations	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY06-09	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-10	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-11	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-12	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.

	Fiscal Year	Applicant	Advisory Committee Recommendation	Commission Decision	Reason for Decision
		Nations			reviewed and addressed by AC.
FY06-13	2006	Resident	Declined – with recommendations	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY06-14	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-15	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-16	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-17	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-18	2006	FN First Nation	Declined – with recommendations	N/A	<ul style="list-style-type: none"> The AC did not request the OGC to authorize reconsideration.
FY06-19	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-20	2006	WM First Nations	Pending	N/A	<ul style="list-style-type: none"> File was not finalized by OGC.
FY06-21	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.
FY06-22	2006	WM First Nations	Declined	N/A	<ul style="list-style-type: none"> Grounds same as previously reviewed and addressed by AC.

August 29, 2005

Regular Meetings

The Advisory Committee meets regularly during each year to reflect and make recommendations to the Oil and Gas Commission. The Advisory Committee met on four different occasions for the 2004 fiscal year:

- April 22, 2004 – Northern Grand, Fort St. John, BC
- June 16, 2004 – Woodlands Inn, Fort Nelson, BC
- October 21, 2004 – Westin, Calgary, AB
- February 8 & 9, 2005 – Northern Grand, Fort St. John, BC

Recommendations made to the Commission

Accepted/Done: 54.38%, Under Review: 31.57%, Declined: 14.03%

Advice to the Commissioner	Commissioner's Response
<i>April 22, 2004 – Fort St. John, BC</i>	
The Advisory Committee's job description needs to be updated to state that a commitment to attend regular meetings is required by all members.	Accepted. The OGC will revise the job description to include the commitment for members to attend regular meetings.
If a Committee member misses more than two general meetings per year, their term should be reviewed.	Accepted.
The Advisory Committee would like the number of members to increase from 8 to 10. Five members will be required to form a quorum for regular meetings but only four will be required to form a quorum for Requests for Reconsiderations because the timelines are short which makes it difficult to form quorums.	Declined. Commissioner feels that the current Advisory Committee membership is adequate. The AC representation of 8 individuals is sufficient to provide perspectives on broad interests regarding oil and gas development.
The Advisory Committee would like a First Nation from Southern BC where oil and gas development is just starting, be invited to participate on the Committee as an ex-officio member as this would provide Southern BC First Nations with a perspective regarding the kinds of issues northern communities are dealing with.	The OGC will convey this recommendation to Minister Neufeld.
The Advisory Committee would like the two new appointments to be representatives of landowners and recreation tenure holders (i.e. Guide Outfitters). The Committee would also like to recommend Karen Goodings as a representative for landowners.	Declined – Appointments are up to the Minister & Government. The Commissioner recommends the Committee remain at 8 members.
The Commission and MEM should start soliciting the First Nations as soon as possible so the new member will be able to come in to the position immediately upon Carylin's completion of her term (November 2004).	Declined. The Minister and government will select new members. Membership of the AC is not based upon representation of communities. It is focused on individuals who can provide advice to the Commission.
The OGC should develop an "Environmental Checklist" that should be completed and submitted as part of the project applications.	Under Review. As part of the OGC Business Process Review, the Project Assessment Branch will evaluate a specific checklist. Currently, the OGC does not have "Environmental Checklist" but it does have a "Fish and Wildlife Timing Windows Table", "Fish and Stream Identification Risk Management Tool", "Timber Harvesting and Forestry Checklist", and a "Stream Crossing Planning Guide".
The Committee does not believe that the field portions of archaeological assessments can be carried out successfully in the winter when the land is snow covered, and recommend that this procedure be discontinued.	Accepted. The OGC strongly encourages archaeological assessments without snow cover. The GDP approach accomplishes this significantly. Post-project assessments are often more productive than winter assessments.
The OGC should develop a "Public Consultation Form" that would be required of the proponent to complete, sign and submit to the OGC along with their applications. The OGC should not review any applications or issue any licenses until they have received a signed copy of this form, which should document public consultation undertaken, issues identified, mitigation measures undertaken, and any outstanding issues.	Accepted. As per the OGC Public Involvement Guidelines, companies are to maintain details of completed public involvement process. The OGC, at any time, is able to request this information. The documentation includes: <ul style="list-style-type: none"> • A line list of persons notified; • A line list of persons consulted;

	<ul style="list-style-type: none"> • A copy of all notification information; • A description of any outstanding issues; • A description of mutually acceptable agreements made; • A map showing the location of proposed activity and the persons within both the consultation and notification distances; and • A Notice of Unresolved Concern application form.
The Flow Chart should be redesigned so that the OGC application process does not commence until First Nations comments have been received, as this will provide First Nations with a sense of trust that the OGC is listening and addressing their concerns.	Accepted. An information letter on pre-application consultation with First nations has been prepared. The GDP Guidelines for 2004 have Pre-Application Consultation as Step 1 in a 6-Step Process.
The OGC needs to be proactive in acting upon MOU terms rather than waiting for communities to initiate discussions related to the MOU.	Accepted. The OGC has appointed an Operations Manager in Aboriginal Relations and Land Use Branch to allow the Director time to be more proactive with First Nation communities. MOUs are living documents that can be modified upon the agreement of the parties.
The Commission needs to review all MOUs at least once a year.	Accepted. See also 11-04.
A mechanism must be established to encourage the re-use of existing well site locations, rather than construct additional well sites adjacent to existing locations. The liability for the development of the existing should remain with the original owner, while attaching new liabilities to the new owner. This would encourage companies to reuse existing sites as opposed to drilling new ones that would reduce cumulative effects.	Declined. The liability issues must be kept absolutely clear. Only after a site has received a Certificate of Restoration, is this possible since the site is tenured to a company until that time.
The Commission needs to refrain from referring to LRMP's in response to First Nations issues given the First Nations did not participate formally or fully in the LRMP process.	Under Review. LRMPs are important in discharging our regulatory duty and thus cannot "refrain from referring to them". While some First Nations choose not to formally participate, we see a growing interest by First Nations in the importance of Land and Resource Management Plans.
June 16, 2004 – Fort Nelson, BC	
Commissioner Doyle to contact Jim Campbell and Rob Carss regarding their activity on the Committee. The Committee notices a recent lack of participation by Mr. Campbell and would like Mr. Carss to be made aware that it is vital that he participate on a regular basis.	Done. Mr. Campbell will continue to serve on the Advisory Committee.
The Advisory Committee feels that they need to have a specific role in the review of projects being solicited through RFP's and therefore would like the following highlighted changes be made to Schedule D of the SCEK Agreement.	Declined. The OGC understands the importance of the Advisory Committee's role in the administration of the fund. We believe the AC's efforts will be better served with the review of Strategic Plan.

October 21, 2004 – Calgary, AB	
Terms of Reference	
The AC wants the word “can” to be changed to “will” and the word “usually” removed from the proposed change if item #5.	Done.
Item #1 should be changed to read “in agreement with the Advisory Committee” as opposed to “with input from the Advisory Committee”.	Declined.
The word “within” under item # 9 should be changed to “after”.	Done.
Compliance and Enforcement	
The Committee would like a tracking system be maintained with statistics that show how companies are responding to clean up, etc.	Accepted: under development.
The AC would like a report on: <ol style="list-style-type: none"> 1. Hectares of linear disturbance; 2. Length of roads in the Muskwa-Kechika; 3. Disturbed hectares caused by roads; 4. Flaring; 5. Fragmentation of Habitat 	Accepted: OGC’s next annual report will report on matters where data can be extracted from databases.
The landowner liaison inspector should be independent of the OGC.	Declined. The inspector needs authority of the OGC to be effective in the field. Without authority the OGC has no ability to establish independent positions.
Participant Engagement Program	
A box should be added just before Stage 7 on the Pre-Application Responsibilities of Application/Proponent that reads “Company to reconsider their project” with an option that the company may abandon the project entirely.	Under review in ADR.
A process should be developed to allow the OGC insight into what applications they can expect. Perhaps the proponents could file a “Notice of Intent to Apply”.	Done. The General Development Plan process requires companies to file a Letter of Intent.
SCEK Fund	
The Committee would like the following changes be made: <ol style="list-style-type: none"> a. A network should be established to ensure there is advice available; b. Increased participation with First Nations; c. Review of governance. 	Accepted. This work has been initiated with CAPP and SEPAC.
The AC should be included under the SCEK Governance Com.	Declined.
February 8 & 9, 2005 – Fort St. John, BC	
Policies and Procedures	
MEM to create a procedure for dealing with policy-related First Nations issues (some First Nations are currently using the reconsideration process for this purpose). For example, the AC could refer the issue to the appropriate external or other agency.	Accepted – Will be advanced to the MEM led OGRII process.
Benchmark Survey/Client Satisfaction	
The Committee would like to receive the results of the Benchmark Survey on Client Satisfaction (was to have been completed by January 2005)	Accepted – Provided for June meeting.
Compliance and Enforcement	
Need a new term for “reduced” Emergency Planning Zone (creates a public perception problem).	Under Review.
Publish statistics on reduced Emergency Planning Zone’s and emphasize the fact that they are rarely granted.	Accepted.
Clearly differentiate between Emergency Awareness Zone and Emergency Planning Zone.	Accepted.

Rename Emergency Awareness Zone because the phrase is misleading (e.g. Emergency Knowledge Zone) and clarify definition.	Under Review.
Integrate 911 in the Emergency Response Plans notification system (to build public confidence).	Under Review.
Initiate a media strategy and active PR campaign by publishing results of Emergency Response Plan tests to aid in public confidence. Possible avenues would be via web, annual report, enforcement statistical report, newspaper, and/or hold public meetings.	Under Review.
Revisit the separation of enforcement vs. Inspection/compliance roles.	Under Review.
Canvass FY05-05 area residents. Commissioner to report back to AC on results of meeting with Mr. Sterling. OGC to publish results.	Accepted – Results provided to AC.
<i>Cumulative Impact</i>	
Implement a Special Sites Management Plan (SSMP) with First Nations on traditional areas. This could affect a different approach to development of a cumulative impact plan. The Committee encourages OGC to approach First Nations to identify ‘special sites’ which could be incorporated as a short-term gain to a long-term strategy of Cumulative Impact Management.	Accepted – Underway at PRFN, BRFN & DRFN.
Apply SCEK Funds for SSMP pilot project and cumulative impact management strategy.	Accepted – Underway & following SCEK Governance Model.
<i>Aboriginal Relations</i>	
Consistently document details of consultation process that OGC follows in each approval application.	Accepted – AC has noted significant improvement in BRFN May 12 reconsideration.
Pre-Tenure Consultation: publish what steps MEM takes re pre-tenure consultation to provide a clearer understanding for all stakeholders.	Accepted – MEM has this matter under urgent review and will act shortly.
Circulate discussion paper on standard First Nations’ conditions as well as trapper consultation.	Under Review.
<i>Consultation Process</i>	
Delegate some procedural aspects of consultation requirements to proponents (minimum consultation requirements should be established).	Under Review – need discussion with AC.
Require proponent to both document consultation efforts and identify any unresolved issues with stakeholders at time of application and, initiate an OGC process to address unresolved issues immediately.	Under Review – need discussion with AC.
Develop process to see dispute resolution stream engaged at front end of application process (maybe have process where application proceeds concurrently with dispute resolution for unresolved issues). Red Flag and attempt to resolve at the beginning of the application process.	Under Review – need discussion with AC.
<i>Reconsideration Regulation</i>	
Consider changing description of process – reconsideration does not describe the advisory committee’s function and suggests that the advisory committee has the ability to actually reconsider an original decision of the Commission.	Accepted – Will be advanced to the MEM led OGR II process.

Require Section 9 applicant to provide summary of chronological events (including consultation details if relevant) as part of reconsideration process.	Under Review – Need discussion with AC.
Require Section 9 applicant to provide specific grounds for request.	Accepted – will be advanced to OGR II.
Define “interested party” to mean a person who is directly affected by the original decision.	Accepted – will be advanced to the MEM led OGR II process.
Develop screening mechanism for reconsideration requests that only raise issues that are outside the Committee’s jurisdiction (e.g. general policy issues; constitutional issues).	Accepted – will be advanced to the MEM led OGR II process.
Establish a process to enable the Committee to refer issues that are outside its jurisdiction to an appropriate external or other agency where appropriate.	Under Review – need discussion with AC.
Establish prescribed form for reconsideration applications.	Accepted – will be advanced to OGR II.
Shorten reconsideration application time limit in the Regulation from 15 to 5 days from approval date.	Under Review – need discussion with AC.
<i>Terms of Reference</i>	
Indicates that the Advisory Committee is an 8 member Committee. Investigate and implement change to 9 or 10 members. The Committee would like to see committee membership increased to include and broaden additional First Nations perspective and regional experience (KinBasket, Southern BC).	Accepted – will be advanced when next slate of appointments are considered by government.
Conflict of interest guidelines applicable to government employees do not fit well with the composition and expertise of committee members. Recommend that more appropriate conflict of interest guidelines be established, particularly with the respect to a member’s ability to hear reconsiderations.	Under Review – need discussion and clarification by AC.
<i>Landowner Liaison Inspector (LLI)</i>	
Build media strategy and active PR campaigns by publishing results of LLI position to aid in public confidence, via web, annual report, newspaper or hold public meetings.	Accepted – Done. Report published, news release and Landowners Guide was published.
<i>Alternative Dispute Resolution</i>	
Clearly outline and define the processes of Alternative Dispute Resolution, pre and post authorization.	Under Review.
Determine other avenues for resolution besides ADR (e.g. for determining policy issues).	Under Review.