

File: 200-20/ADV

April 27, 2005

Derek Doyle  
Commissioner  
Oil and Gas Commission  
200 10003 110 Avenue  
Fort St. John, BC V1J 6M7

Dear Derek Doyle:

**Re: Advice / Recommendations from the OGC Advisory Committee**

The Advisory Committee held its quarterly meeting on February 8<sup>th</sup> and 9<sup>th</sup> in Fort St. John. The following represents a summary of the Committee's advice and recommendations to the Oil and Gas Commission as a result of discussions at this meeting:

**Policies and Procedures**

- 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.

**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).

**Compliance and Enforcement**

- Need a new term for "reduced" Emergency Planning Zone (creates a public perception problem).
- Publish statistics on reduced Emergency Planning Zone's and emphasize the fact that they are rarely granted.
- Clearly differentiate between Emergency Awareness Zone and Emergency Planning Zone.
- Rename Emergency Awareness Zone because the phrase is misleading (e.g. Emergency Knowledge Zone) and clarify definition.
- Integrate 911 in the Emergency Response Plans notification system (to build public confidence).
- 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.
- Revisit the separation of enforcement vs. inspection/compliance roles.
- Canvas FY05-05 area residents. Commissioner to report back to AC on results of meeting with Mr. Sterling. OGC to publish results.

**Cumulative Impact Management**

- 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.
- Apply SCEK Funds for SSMP pilot project and cumulative impact management strategy.

### **Aboriginal Relations**

- Consistently document details of consultation process that OGC follows in each approval application.
- Pre-Tenure Consultation: publish what steps MEM takes re pre-tenure consultation to provide a clearer understanding for all stakeholders
- Circulate discussion paper on standard First Nations’ conditions as well as trapper consultation.

### **Consultation Process**

- Delegate some procedural aspects of consultation requirements to proponents (minimum consultation requirements should be established).
- 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.
- 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.

### **Reconsideration Regulation (see draft amended Regulation, attached)**

- 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.
- Require Section 9 applicant to provide summary of chronological events (including consultation details if relevant) as part of reconsideration application.
- Require Section 9 applicant to provide specific grounds for request.
- Define “interested party” to mean a person who is directly affected by the original decision.
- Develop screening mechanism for reconsideration requests that only raise issues that are outside the Committee’s jurisdiction (e.g. general policy issues; constitutional issues).
- Establish a process to enable the Committee to refer issues that are outside its jurisdiction to an appropriate external or other agency where appropriate.
- Establish prescribed form for reconsideration applications.
- Shorten reconsideration application time limit in the Regulation from 15 to 5 days from approval date.

## **Terms of Reference**

- 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).
- 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.

## **Landowner Liaison Inspector (LLI)**

- 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

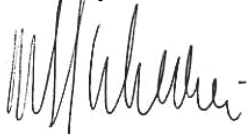
## **Alternative Dispute Resolution Process (ADR)**

- Clearly outline and define the processes of Alternative Dispute Resolution, pre and post authorization
- Determine other avenues for resolution besides ADR (e.g. for determining policy issues)

A copy of the minutes of the Advisory Committee's meeting is attached for your reference. These minutes elaborate on the discussions that culminated in our advice and recommendations to you.

We look forward to hearing how you will move forward on the advice given.

Sincerely,



Mike Waberski  
Advisory Committee Chair

pc: Oil and Gas Commission Advisory Committee