



Treaty 8 First Nations & Province of BC



CT8C/MEMPR/OGC **New Consultation Agreement** **Categorization of Applications**

North Peace Cultural Centre
Fort St. John
February 14, 2007

Session 1

9:00 am – 12:00 pm

Session 2

1:00 pm – 4:00 pm



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Agenda & Workshop Goals



Introduction

Workshop Goals
Interest Chart

-Tom and Kieran

Overview of Consultation Process Agreement (CPA)

Purpose and Benefits
Implementation Committee
COG
Complex Consultation Zones

- Kieran and Tom

New Consultation Process

Process Overview
Flow Diagram
Initial Application Review

-Bob, Paul and Verena

Tools

First Nation Cover Sheet
Application Criteria/ Worksheet Categorization

-Bob and Verena

Breakout Session

Next Steps

- All
-Tom and Kieran



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Workshop Goals



- Introduce Implementation Committee
 - Membership
 - Staged Implementation
- Communicate Initial Application Review Process
- Test new Tools for Categorizing Appl'ns



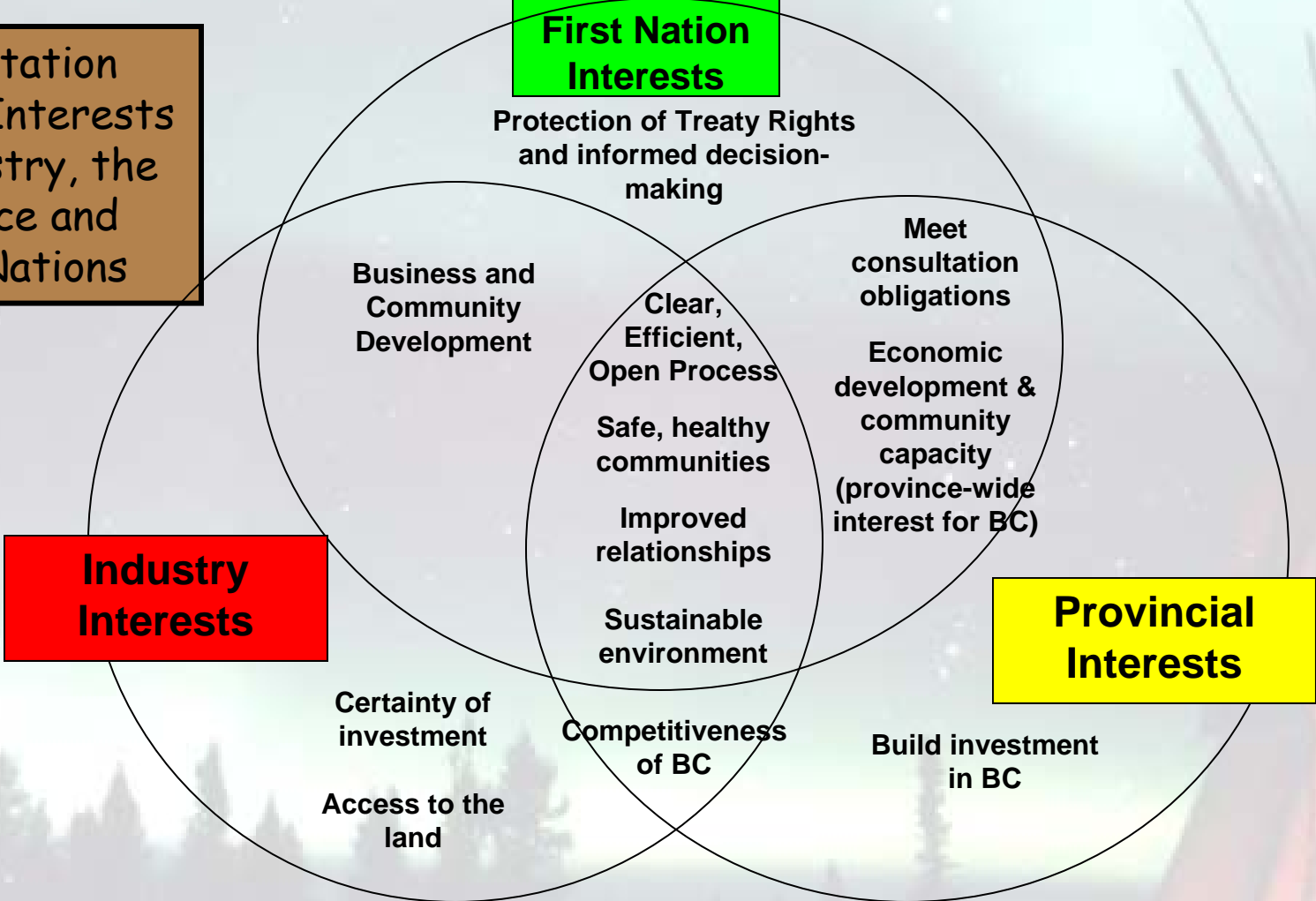
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Interests of Industry, First Nations and the Province of BC



Consultation
Related Interests
of Industry, the
Province and
First Nations



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Purpose of the Agreement



- **To build a positive working relationship between the Parties**
- **To support First Nation participation in the Consultation Process to identify potential impacts and measures to avoid or mitigate**
- **To facilitate the provision of First Nations' input and advice to the OGC decision maker for serious consideration**
- **To provide funding to support community development initiatives**



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Benefits of Agreement



- Provides clarity of process with improved timelines
- Rewards early engagement of industry
- Provides categorization of Applications and Amendments
- Simplifies field changes for safety, health and environmental benefits
- Mapping of 600 sq. km Complex Consultation Zones
- Strong commitments to IT and electronic processing
- Problem Solving through Reviewer exchanges
- Formal Issue Resolution process with timelines
- Implementation Committee to sustain improvements
- Encourages innovation and BMPs
- Separates issues within OGC's jurisdiction from resource management issues
- Enhanced protection of section 35(1) rights



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Implementation Committee



- **Implementation Committee mandated to:**
 - **Solve problems**
 - **Improve Consultation Operating Guidelines**
 - **Coordinate training, orientation and early implementation**
 - **Meet monthly in Year 1, then quarterly**
 - **12 Member: Reps from each First Nations community, OGC and MEMPR**



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Consultation Operating Guidelines



- I. Application Criteria:**
 - Notification, Standard and Complex
 - examples of Notifications
 - application consultation timelines
- II. Extension Criteria:**
 - extensions to timelines
- III. Complex Consultation Zones:**
 - method to define
- IV. Form for First Nation Review and Response**



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Complex Consultation Zones



- Under New CPA, T8FNs can identify up to 600 km² as defined as Complex Consultation Zone (s)
- Complex Consultation Zones will be selected using the following steps:

Step 1. First Nations propose area for CCZ designation

Step 2. Land status verified MEMPR and OGC

Step 3. Review and comment (FNs, OGC, MEMPR)

Step 4. Preparation of final CCZ package

Step 5. Review by Provincial Peace Managers Committee

Step 6. Decision by First Nations/MEMPR/OGC

Step 7. Notice of decision, impact tracking and warehousing of approved boundaries.

Step 8. Periodically First Nations may review the CCZ and initiate changes as circumstances warrant by following the steps above.



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Process Overview



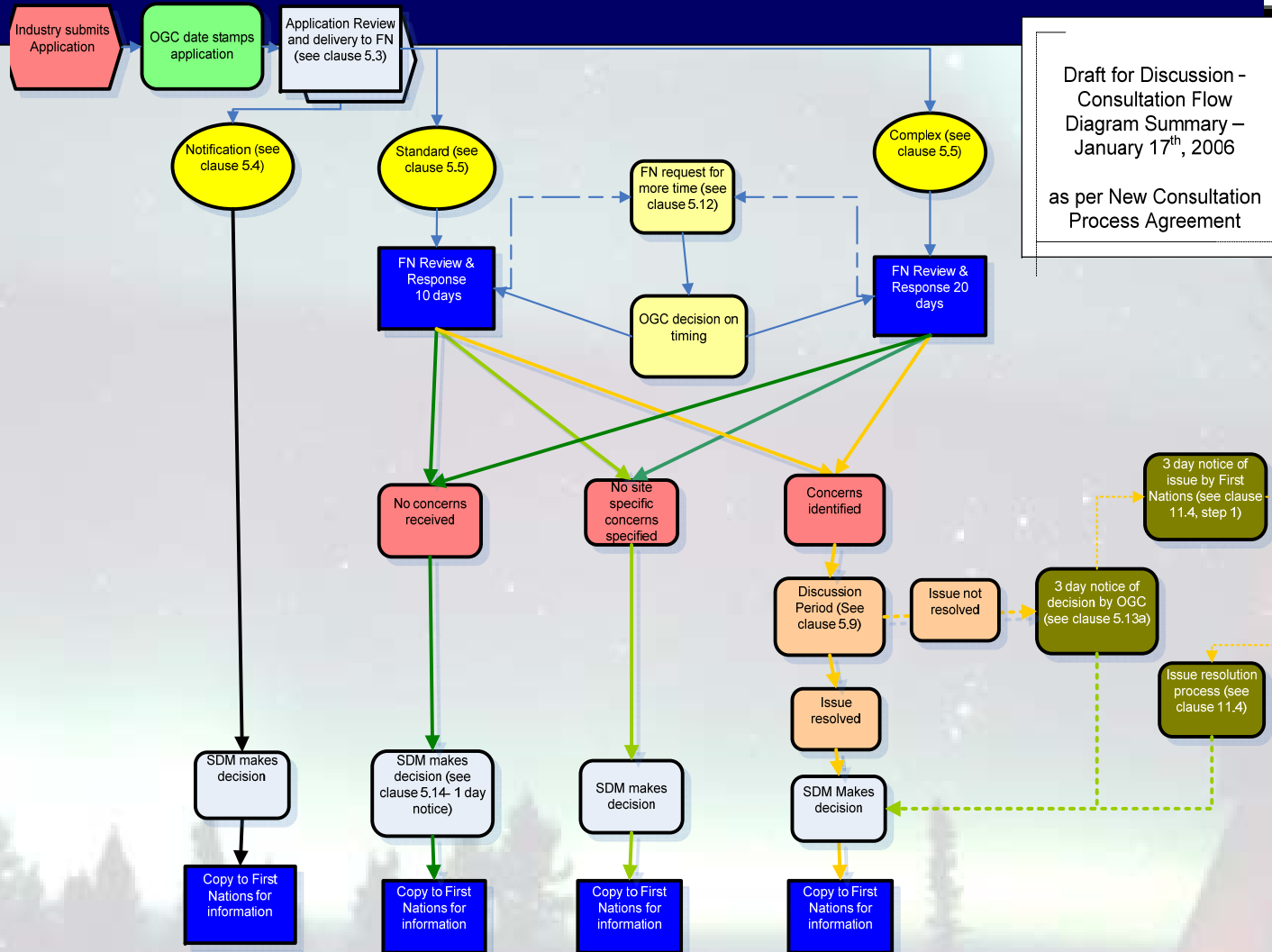
- **Pre-Submission Consultation encouraged.**
- **Applications categorized and submitted.**
- **First Nation Review and Response Period:**
 - **Complex-20 working days**
 - **Standard-10 working days**
 - **Notification-Information Only**
- **First Nation and OGC exchange review findings and provide input to Decision-Maker.**
- **Discussion Period when necessary.**
- **Issue Resolution when necessary (3-Step process)**
- **Decision-Making**



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Process Overview



Draft for Discussion -
Consultation Flow
Diagram Summary -
January 17th, 2006

as per New Consultation
Process Agreement





Initial Application Review



- 1. Industry Submits Application**
- 2. OGC Application Review Officer**
- 3. OGC Aboriginal Relations reviews application categorization**
- 4. First Nation reviews categorization**



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Tools – First Nations Cover Letter



Link to word document





Tools –Application Criteria- link to Categorization Worksheet



Complex Application Criteria

New Applications will be categorized as “Complex” if any of the following criteria (the “Complex Criteria”) are met:

- The Application is located in an area, documented, mapped and accepted by the parties, as a Complex Consultation Zone. These areas will be identified and mapped over time such that the total area documented and accepted by the Parties does not exceed 600 sq. km. at any time during the Term of the Agreement;
- The Application is located in a Special Management Zone, a Major River Corridor or a Protected Area identified and mapped in approved Land and Resource Management Plans;
An Application for geophysical activity that requires a new cut of greater than 200 ha. or covers an area of greater than 70 sq. km;
- The Application requires an Environmental Assessment under the EA Act;
An Application for a pipeline that has an overall length greater than 15 km long or has a segment greater than 10.0 km. long;
- The Application is for a low-grade or high-grade access road (not a winter access road) greater than 5 km long; or
- The Application is for a plant site greater than 2.0 ha.

Revisions and amendments to Complex Application approvals will be categorized as Complex when they are within Complex Consultation Zones established under the Agreement, and do not meet either N1, N2 or N3 of the Notification Criteria.



Tools —Application Criteria- link to Categorization Worksheet



Standard Application Criteria

New Applications, revisions and amendments will be categorized as “Standard” if the following criteria (the “Standard Criteria”) are met:

- Does not meet the Notification Criteria; and
- Does not meet the Complex Criteria; or
- Where the First Nation has advised that the Applicant has already accommodated its interests in pre-submission engagement on an Application that would otherwise meet the Complex Application Criteria.
- A revision or an amendment to a Complex Application which is outside a Complex Consultation Zone and does not meet any of the Notification Application Criteria.



Tools —Application Criteria- link to Categorization Worksheet



Notification Application Criteria

New Applications, revisions and amendments may be categorized as “Notification” (see clauses 6.1 and 6.2 of the Consultation Process Agreement) if any of the following criteria (the “Notification Criteria”) are met:

- A revision or amendment to an Application which is for improved health and safety or provides an overall environmental benefit at the site;
- A revision or amendment to an Application which accommodates a First Nation interest identified during consultation;
- A previously consulted pipeline project with no outstanding issues, where authorization has not been completed until the associated well is shown to be successful; or
- An Application, revision or an amendment (including field change amendments) to an Application which is:
 - Immediately off an established access route;
 - Requires less than 1 (one) ha. of clearing;
 - Is in an area of low archaeological potential; and
 - Is in an area that has been through the consultation process within the last 2 years on a related project with First Nations where no site specific concerns were identified.



Discuss Breakout Sessions



- **Workshop categorizing three application examples**
- **Handouts**
 - **Cover Letter For First Nation Packages**
 - **Categorization Worksheet**
 - **Application examples**
- **Summarize the outcome of the breakout session**



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Next Steps



- 1. FN Cover Sheet Implementation Date – April 1**
-becomes mandatory for application submissions
- 2. Implementation Committee direction for next six months:**
 - T8 First Nation of Consultation Complex Areas**
 - T8 First Nation Review and Response**
 - Discussion Period**
- 3. One more Information Session in six months**



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