



Date: February 15, 2008

INFORMATION LETTER #OGC 08-03

SUBJECT: New Doig River First Nation Complex Consultation Zones

To: Industry Clients

Background:

On December 1st, 2006, new Consultation Process Agreements (CPAs) were signed between Doig River First Nation, Fort Nelson First Nation, Halfway River First Nation, Prophet River First Nation, Sauleau First Nations, West Moberly First Nations, the Ministry of Energy Mines and Petroleum Resources and the Oil and Gas Commission. The CPAs outline the consultation process signatories will follow with respect to oil and gas activities which have the potential to adversely impact First Nations rights, recognized and affirmed by section 35(1) of the *Constitution Act, 1982*.

These CPAs and the appended Consultation Operating Guidelines (COG) can be reviewed at: https://www.ogc.gov.bc.ca/pubdoc.asp_view=9.html.

Clause 5.6 of the CPA states that, for an application designated as ‘complex’, the time frame for the First Nation Review and Response Period will be 20 working days. The COG “C1 criteria” identifies that an application can be categorized as complex when:

“The application is located in an area documented, mapped and accepted by the Parties as a Complex Consultation Zone (CCZ). 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.”

Areas of complexity can be identified by First Nations for numerous reasons, including complexities arising from an internal process requiring the engagement of various land users, the need to co-ordinate mitigation measures across resource sectors, complex and multiple resource development activities within a targeted area, an abundance of cultural values within a targeted area or any combination of these complexities. The CCZ is a location on the land where there are intersecting interests between oil and gas activities and First Nations’ cultural and community values.

One of the goals of CPAs is to facilitate and encourage early engagement with First Nations by companies with planned oil and gas activities, before an application is made to the Oil and Gas Commission. Through early engagement, companies may be able to reduce application Review and Response Periods to the standard ten day time frame in instances “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.”

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Under the Doig River CPA, the Parties have agreed on a number of areas now mapped as complex. To view a pdf map of these areas, please use the link below:

ftp://www.ogc.gov.bc.ca/outgoing/OGC_Data/FirstNations/Doig/DRFNCCZ_8x11.pdf

Requirements:

- Effective March 3rd, 2008, application submissions impacted by CCZs must be categorized as 'C1'. All revisions and amendments to Complex Application approvals will be categorized as Complex when they are within CCZs established under the Agreement and do not meet N1, N2, or N3 of the Notification Criteria.
- A shapefile of the CCZs can be downloaded from the OGC FTP site:
ftp://www.ogc.gov.bc.ca/outgoing/OGC_Data/FirstNations/Doig/

For further clarification on this requirement or information on the CCZs, please contact:

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