

2019 Proponent Guide

Overview of Changes

December 2019

Background

The Government of Alberta's Proponent Guide (Proponent Guide) to First Nations and Metis Settlements Consultation Procedures provides additional details on the administrative steps, submission standards, and requirements of the consultation process.

The Proponent Guide was identified in *The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014* and *The Government of Alberta's Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, 2016*. It was developed to assist proponents with carrying out procedural aspects of consultation delegated by the Government of Alberta.

The Proponent Guide is published and managed by the Aboriginal Consultation Office (ACO).

The Proponent Guide was first released in September of 2014, revised in February 2015 and June 2016.

This release marks the third major update to the Proponent Guide.

Application of the Proponent Guide

The requirements and procedures outlined in the Proponent Guide are specific to Alberta Energy Regulator administered activities falling under the *Public Lands Act*, *Water Act*, *Environmental Protection and Enhancement Act* and are processed through the Electronic Disposition System (EDS).

Even though the Proponent Guide application is limited to the activities noted above, it still serves as an important tool to all parties interested in knowing more about Alberta's consultation process and requirements.

Proponents currently seeking consultation direction on *Public Lands Act* dispositions falling under the administration of Alberta Environment and Parks may use EDS and the submission standards outlined in this document.

For other activities administered by Government of Alberta ministries, please contact the appropriate regional office.

The ACO provides consultation advice and recommendation to these ministries upon request.

Purpose of this Document

This document is intended to provide a general overview of the major changes made in the revised Proponent Guide.

This document is not intended to provide a comprehensive overview of all changes made in the Proponent Guide.

All parties involved in consultation are encouraged to closely review the Proponent Guide, which is available on the Alberta government website at <https://www.alberta.ca/indigenous-relations.aspx>.

Major changes

The majority of the changes in the updated Proponent Guide were aimed at:

- clarifying existing steps and requirements
- reducing administrative requirements
- introducing new submission requirements
- removing non pertinent information

The overall structure of the Proponent Guide has been overhauled by:

- creating more direct language
- formatting changes to improve readability
- introducing boxes with tips and best practices
- removal of links to various webpages
- integration of information into the appropriate sections, for example: consulting strategically or timelines

Significant changes made in the Proponent Guide are noted in the applicable sections.

1 Pre-consultation Assessment

1.1 Information Requirements for Completing a Pre-consultation Assessment Request

A “Consultation on Multiple Approvals” Best Practices box has been included in this section.

A “Following Requirements and Standards” tip box has been included in this section.

The previous Table 1 (PLA) and Table 2 (EPEA/WA) have been combined into one table, which has been modified to provide clear and concise information required to submit a Pre-consultation Assessment Request.

This ensures that proponents are informed of all information required in their submission in order to eliminate any unnecessary review delays.

1.1.1 “From” and “To” ATS Locations

Figure 1 has been updated to provide a more detailed map that describes the From/To ATS locations.

1.2 Pre-consultation Assessment Request Review

No major changes. A “Submission Deficiencies” tip box has been included in this section.

1.3 Pre-consultation Assessment Decision

This section now provides additional details on Pre-consultation Assessment decision validity.

A “Scope of Decision” tip box has been included in this section.

A “Historic Resource Value (HRV) 4c Sites” tip box has been included in this section.

1.4 Levels of Consultation

This section has been updated to provide clarity on the consultation timelines, specifically the notification period and the exploring concerns phase.

For each level of consultation a figure and associated table has been developed.

Note: For Level 1: Streamlined consultation, if the 15 GoA working day notification period concludes, and:

- the proponent has a verified delivery receipt for the project notification, and
- the First Nation or Metis Settlement has not responded, then

there is no requirement to provide the First Nation or Metis Settlement with the ROC Log.

The proponent may request an adequacy decision from the ACO.

See Section 2.5.2 of the 2019 Proponent Guide.

2 Proponent Led Consultation - Information Sharing and Exploring Concerns

This section has been expanded on and separated into sub-sections to provide more clarity.

2.1 Consultation Contacts

This section clarifies the requirements when consultation contacts and cc's must be utilized.

A "Consultation Contacts Listing" tip box has been included in this section.

A "Consultation Pause" tip box has been included in this section.

2.2 Information Package Requirements

This section provides further clarification regarding information package requirements, including the EIA process.

A "Notification Letter" tip box has been included in this section.

2.2.1 Level 3 Project - Information Package Requirements

This section introduces the information package approval letter, which replaces the previously required consultation plan.

2.3 Information Package - Verification of Delivery

This section provides general clarification.

2.3.1 Verifiable Delivery Methods

This section has been updated to provide clarification on the verifiable delivery methods.

A "Two or More Delivery Methods" tip box has been included in this section.

A "No Delivery Receipt" tip box has been included in this section.

2.4 Consultation with First Nations and Metis Settlements

This section provides direction and clarification on the consultation process through various sub-sections.

2.4.1 General Conduct and Expectations

This section provides clarification on general conduct and expectations.

A "Consultation Delays" tip box has been included in this section.

2.4.2 Responses

This section outlines what the ACO considers a response, including how responses fit into consultation timelines.

A "Site Visits" Best Practices box has been included in this section.

2.4.3 Follow-Ups

This section outlines what the ACO considers a follow-up.

A “Follow-ups” tip box has been included in this section.

2.4.4 Concerns

This section provides guidance on how to explore and respond to concerns.

A “Concluding Consultation” Best Practices box has been included in this section.

2.5 Record of Consultation (ROC) Log

This section has been expanded on and separated into sub-sections to provide more clarity.

A “Supporting Documents” tip box has been included in this section.

2.5.1 Completing the ROC Log

Please note the ROC Log has been revised and can be found on the Indigenous consultations in Alberta webpage.

This section is presented in a manner that mirrors the ROC Log.

A “Purpose and Details of Contact (ROC Log Column)” tip box has been included in this section.

2.5.2 Sending the ROC Log

Introduction of changes to the requirements for providing the ROC Log to First Nations and/or Metis Settlements upon conclusion of consultation.

A “ROC Log Notice” tip box has been included in this section.

A “Level 1: Streamlined Consultation – No Response Received” tip box has been included in this section.

Level 1: Streamlined Consultation - No Response Received

If the 15 GoA working day notification period concludes, and:

- **the proponent has a verified delivery receipt for the project notification, and**
- **the First Nation or Metis Settlement has not responded, then**

there is no requirement to provide the First Nation or Metis Settlement with the ROC Log.

The proponent may request an adequacy decision from the ACO.

2.5.3 Record of Consultation (ROC) Logs for Level 3 Projects

This section clarifies bi-monthly submission of **cumulative** ROC Logs and introduces project dormancy.

2.5.4 Consultation Concern and Response Table (CCRT)

This section clarifies the purpose and use of the CCRT (formerly Specific Concern and Response Table)

2.5.5 Completing the Consultation Concern and Response Table

Please note the CCRT has been revised and can be found on the Indigenous consultations in Alberta webpage.

This section is presented in a manner that mirrors the CCRT.

2.6 ROC Log – Verification of Delivery

This section provides general clarification.

2.6.1 Verifiable Delivery Methods

This section provides clarification on the verifiable delivery methods.

A “Two or More Delivery Methods” tip box has been included in this section.

A “No Delivery Receipt” tip box has been included in this section.

2.7 ROC Log Review

No major changes

A “ROC Log Deficiencies’ tip box has been included in this section.

3. Adequacy Assessment Submission and Review

This section provides clarification on the Adequacy Assessment process.

The requirement of completing and submitting a checklist is no longer in place – see Appendix D.

3.1 Submitting Consultation Records for Review

The table has been modified to provide clear and concise information required to submit consultation records for review. This ensures that proponents are informed of all information required in their submission to eliminate any unnecessary review delays.

A “Submitting Records” tip box has been included in this section.

3.2 ACO Adequacy Assessment Review

This section was simplified.

An “Adequacy Assessment Review” tip box has been included in this section.

3.3 ACO Adequacy Assessment Decision

No major changes.

An “AEP Approvals” tip box has been included in this section.

Appendix A: The Electronic Disposition System (EDS)

This section includes information on the Electronic Disposition System.

No major changes were made to the content.

Appendix B: Buffers

This section and the figures have been simplified.

Information regarding buffer adequacy has been added.

A “Buffer” tip box has been included in this section.

Appendix C: Letter of Non-Objection

This section outlines the requirements for a valid Letter of Non-Objection (formerly known as Letter of No Concern).

A “Valid Letter of Non-Objection” tip box has been included in this section.

Appendix D: Consultation Summary Checklist

Use and completion of this checklist is optional, it is a tool for your convenience.

There is no requirement to provide a completed checklist as part of the adequacy assessment review.