
Aboriginal Consultation Office

Annual Report 2022-23



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Contents

Message from the Honourable Rick Wilson	4
The Aboriginal Consultation Office	5
Figure 1. The ACO's process within the regulatory framework.....	6
Highlights from 2022-23 fiscal year.....	7
A consultation guide for Indigenous communities.....	8
The ACO Digital Service	8
The ACO training and outreach	9
Appendix	10
Figure 2. Regional breakdown of activities processed	10
Figure 3. Activities submitted by high-volume proponents.....	11



Message from the Honourable Rick Wilson

Alberta's prosperity depends on the responsible development of natural resources. Indigenous participation in this key sector is vital when it comes to economic inclusion, but also in terms of upholding the province's legal duty to consult, and this important responsibility is managed by the Aboriginal Consultation Office (ACO).

The ACO ensures that Indigenous communities have a voice when resource development may have an adverse impact on their Treaty rights, harvesting, and traditional uses. It acts as a bridge between all parties in the consultation process and allows Indigenous communities to share their input and traditional knowledge.

During my time as minister, I've seen the ACO's dedication to making the consultation process more accessible and meaningful for Indigenous communities, while also ensuring that industry partners meet their obligations. The ACO has listened to community feedback and acted on it. A good example is the new ACO Digital Service, which has been a real game changer. Essentially, it is a 'one-stop-shop' that keeps everyone on the same page, stores everything in one place and allows easy access to data and historical records. Over the past year, we've heard a lot of positive feedback about the digital service from Indigenous communities. They've told us that it has made the consultation process more efficient and transparent, while reducing red tape. It has also allowed them to focus on consultation, rather than paperwork.

Another highlight of this year was the release of the Consultation Guide for First Nations, Metis Settlements and Credibly Asserted Métis Communities. By tailoring this guide to the needs of Indigenous communities, it has helped them to be in the best position for meaningful consultation. This was another way the ACO helped to provide best information to the right people in an easy-to-use format. The drive to clarify and simplify has come from listening and responding to communities, and I am very proud of this approach.

The consultation process is one of our ministry's most important responsibilities, and it is my honour to continue being part of it. I look forward to the year ahead, as we continue to build an economy that is more inclusive of Indigenous people and values, one that responsibly creates prosperity for all people living in Alberta.

Rick Wilson
Minister of Indigenous Relations
August 2023

The Aboriginal Consultation Office

The Aboriginal Consultation Office (ACO) provides consultation management services to meet the needs of Alberta ministries, Indigenous communities, the Alberta Energy Regulator (AER) and project proponents. The ACO provides these services as part of its operational delivery of:

- The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013.
- The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, 2014.
- The Government of Alberta's Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2015.
- The Government of Alberta's Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, 2016.

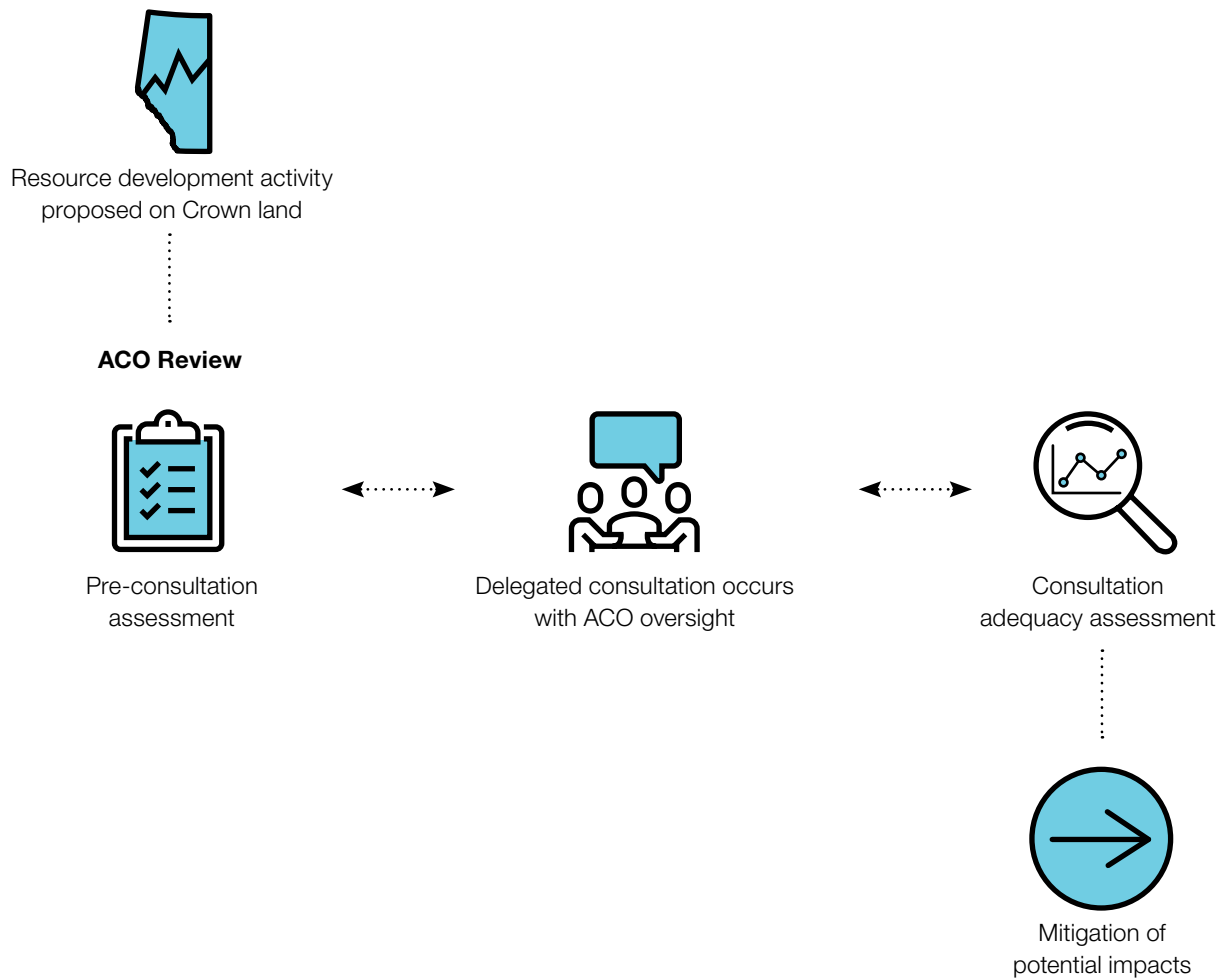
These documents are available online at: alberta.ca/indigenous-consultations-in-alberta.aspx

The ACO ensures that First Nations, Metis Settlements and credibly asserted Métis communities (CAMCs) have the opportunity to provide input on land and natural resource management activities* that may impact First Nation Treaty rights and traditional uses, Metis Settlement/CAMC members' harvesting and traditional use activities, or both. For project applications to the AER, the ACO decides on consultation adequacy as part of the legislated regulatory process before the AER can provide regulatory approvals. The ACO provides recommendations on consultation adequacy to Alberta ministries who are the Crown decision makers.

The ACO works with Indigenous communities, proponents, other government departments and the AER in providing an efficient, coordinated and consistent consultation process. This helps provide certainty in the natural resource development sector while ensuring consultation requirements are met before projects move forward in the regulatory system. Figure 1 provides a brief overview of the ACO's process when a natural resource development activity is proposed on Crown land.

* Land and natural resource management activities refer to activities (on or off Crown Land) potentially affecting the use of provincial Crown land where such activities arise from decisions involving land, water, air, forestry, or fish and wildlife.

Figure 1. The ACO’s process within the regulatory framework



The ACO plays an important role by ensuring proposed activities are assessed for Indigenous consultation requirements. Reviews include a pre-consultation assessment indicating which Indigenous communities to consult with and the level of consultation. When consultation is required, its procedural aspects are typically delegated to the proponent. This is known as delegated consultation and it includes notifying and engaging with relevant Indigenous communities to discuss specific issues and possible mitigation measures. Once consultation is complete, the ACO performs an adequacy of consultation assessment whose findings are communicated to the regulator, Indigenous community and industry proponent.

Highlights from 2022-23 fiscal year

These highlights show some of the key statistics from 2022-23 fiscal year. The ACO's due diligence ensured procedural fairness was maintained through completeness of the procedural aspects of the delegated consultation during the application review process in accordance with the Government of Alberta's Consultation Policies and Guidelines.



Applications and activities

The ACO reviewed **9,529 land and natural resource development applications** for pre-consultation assessment and consultation adequacy. These led to **12,970 activities on Crown land**.

This represented about **a 19% increase in applications and 8% increase in activities compared to last year**. See the Appendix for the regional breakdown and activities submitted by high-volume proponents.



More information requests

The ACO **returned about 20% of total applications for more information compared to 26% last year**.

Of those, **about 16% were applications at the pre-consultation assessment stage and approximately 37% were applications at the adequacy assessment stage**, requesting further information.

Some of the reasons for return include administrative errors, project clarification, missing information or documents, clarification on consultation or inadequate consultation.



Application review timelines*

Throughout the year, the ACO **stayed within its mandated target timelines – within four and 10 working days for pre-consultation and adequacy of consultation assessments respectively**.

This remained consistent with ACO's performance compared to last year.

* Level 1 and 2 consultations for *Public Lands Act*.



Applications by sector and extensive consultations

The ACO processed applications **for about 2,000 activities related to pipelines, 2,300 activities related to oil and gas sites or facilities, and 1,200 activities related to water**.

These sectors saw an **increase in activities by 15 to 60% compared to last year**, depending on the sector.

The ACO designated 11 consultation applications as Level 3 - extensive consultation*, about a 39% decrease from the previous year.

* Extensive consultation activities typically take more than 10 years; are large in size, scale and complexity; capable of extensive environmental impact; and require approvals from multiple regulatory authorities.

A consultation guide for Indigenous communities

On June 1, 2022, the ACO released the Government of Alberta's Consultation Guide for First Nations, Metis Settlements and Credibly Asserted Métis Communities.

It is available online at: alberta.ca/indigenous-consultation-notice-and-information-updates

This guide is tailored to the needs of Indigenous communities and provides information about Alberta's consultation and regulatory processes. It explains the roles and responsibilities of all parties in the consultation process. More specifically, it includes information requested by Indigenous communities in one easily accessible document that is intended to help them understand Alberta's consultation and regulatory processes, the ACO's relationship with Crown decision-makers and the AER.

By providing better and more specific information, the ACO helps ensure Indigenous communities are well positioned when consultation is required. The guide enhances the capacity of Indigenous communities to participate effectively and efficiently in the consultation process, improve relationships and build trust.



The ACO Digital Service

This year, the ACO made huge strides in modernizing Alberta's Indigenous consultation process through the development of the ACO Digital Service (ACO DS). This new online service provides enhanced service delivery to industry, Indigenous communities and ministries to manage their consultations.

After working with pilot users for a number of months, the ACO released a major update to the digital service in April 2023. It transitioned all users from the older Electronic Disposition System to the newer ACO DS. The ACO DS provided users with a simple and convenient interface for

their submissions, which allowed greater flexibility and reduces administrative burden. Since its release, the ACO has received and processed thousands of applications through the ACO DS without any issues.

The ACO made further improvements to its data analytics that allowed Indigenous communities and industry to access enhanced statistical information regarding their consultations directly from the ACO DS. Indigenous communities and proponents were able to view the total number of applications by week, month, year or a specified timeframe; application status by active, completed or cancelled applications; and

the number of applications by a particular proponent or Indigenous community. This feature has significantly improved the transparency of the consultation process and helped Indigenous communities and industry in prioritizing and managing their consultation files with greater ease.

The ACO also streamlined the consultation submission process for *Water Act* and *Environmental Protection and Enhancement Act* applications by integrating the associated supplemental forms into the ACO DS. This eliminated duplicate data entry requirements and made the application submission process more efficient. It was a great example of reducing administrative burden for people, businesses and organizations, which enabled them to spend more time focused on consultation.

As part of the government-wide update of digital services this year, the ACO DS transitioned to a new cloud-hosting provider, which has improved overall system loading times and quicker uploading and downloading of documents. It provided users a better experience during the application submission and review processes.

More work is underway to build additional functionalities to provide a more efficient and effective consultation experience for users. In the coming year, the ACO will be integrating all aspects of Level 3 consultation files into the ACO DS. These are typically complex applications that undergo months or years of consultation before they can be approved. With inclusion of Level 3 applications through the ACO DS, both industry and Indigenous communities will be able to submit and/or view their bi-monthly records for Level 3 consultations directly within the ACO DS.

The ACO is working closely with Environment and Protected Areas, and Forestry and Parks to build further integrations with their Digital Regulatory Assurance System (DRAS). This will transition submission and processing of *Public Lands Act* applications through the ACO DS and DRAS, making it more efficient for both industry proponents and Indigenous communities. In collaboration with Forestry and Parks, the ACO is streamlining the application process for forestry applications through the ACO DS as well.

The ACO training and outreach

The ACO continued to provide training and information sessions on the consultation process in Alberta. This year, the ACO delivered 24 information sessions with industry proponents, Indigenous communities, Alberta government ministries, as well as students from post-secondary institutions. The ACO worked closely with all of them and provided training on specific consultation topics based on their requests. Information sessions were provided to Indigenous communities on the newly released guide and how they can participate in various aspects of the Alberta's consultation and regulatory process. These sessions were well received and helped strengthen our relationship with Indigenous communities.

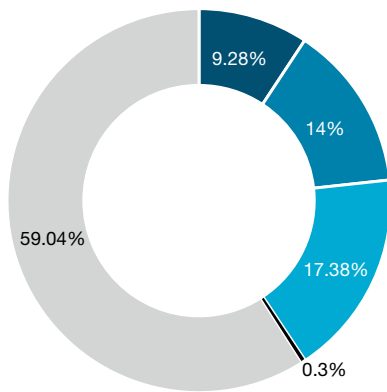
The ACO also delivered information sessions about new developments within the ACO DS. These interactive sessions included a mix of presentations and demonstrations about how to submit applications, communicate and monitor consultations, and obtain statistical information. Through these sessions, the ACO gathered excellent feedback that informed the development of several new features and functionalities to better serve users in managing their consultations through the ACO DS. The ACO is currently developing pre-recorded webinars that will be available on the ACO's website in the near future.

Appendix

Figure 2. Regional breakdown of activities processed

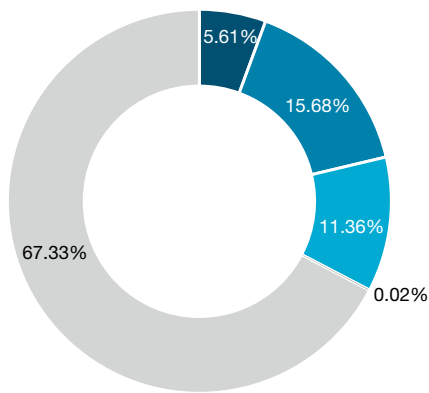
Northern Region

Total Processed: 7,249



Southern Region

Total Processed: 5,721



- Already deemed adequate
- Level 1
- Level 2
- Level 3
- No Consultation

Note: No consultation activities are short-term, small in size and have no, or limited, environmental impacts. These could include certain temporary field authorizations, where there is no new surface disturbance beyond the normal course of operations. See Appendices B and C of the Government of Alberta Guidelines for Consultation with First Nations and Metis Settlements on Land and Natural Resource Management for Sector Specific and Non-Sector Specific Activities that may not or do not require consultation.

Figure 3. Activities submitted by high-volume proponents

A total of 548 proponents submitted pre-consultation assessment requests. The 20 proponents in the graph below submitted more than 150 activities each.

