
Aboriginal Consultation Office

Annual Report 2021–22



Alberta 

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Message from the Honourable Rick Wilson



While these last couple of years may be the kind we would like to forget, it gives me great pleasure to recognize the exceptional work happening between Indigenous communities, industry and government. Working through consultation on proposed disturbance or development of Crown lands takes time and good relationships. Add in a global pandemic response, and that work gets harder to do.

But, the 2021-22 fiscal year was another busy year for the Aboriginal Consultation Office (ACO). About 8,000 land and natural resource development applications crossed their desks, leading to nearly 12,000 activities on Crown lands in Alberta. They met target timelines for application reviews consistently, keeping the consultation process working efficiently for everyone involved.

This will only get better. With the Digital Service continually improving, thanks to user testing in Indigenous communities and by industry, much of the administrative work tied to consultation lifts. All consultation documents are now in one safe, digital space. The Digital Service also connects with the Alberta Energy Regulator's OneStop system. Improvements like this streamline the process and reduce the chance of human error.

It is this thought to innovation and improvement that guides ACO's work. Training and outreach, a new consultation guide for Indigenous communities and ongoing, two-way communications about process changes will set up the team for yet another productive year to come. This is the kind of work that steers Alberta's recovery, with more jobs and more economic security throughout the province and for years to come.

A handwritten signature in blue ink that reads "Rick Wilson".

Rick Wilson, Minister of Indigenous Relations
July 2022

Aboriginal Consultation Office

ACO provides consultation management services to government departments and agencies that have statutory and regulatory responsibilities related to the management of Crown land and natural resources. ACO continues to uphold the honour of the Crown by ensuring 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 and/or Metis Settlement/CAMC members' harvesting and traditional use activities. In working closely with the Alberta Energy Regulator (AER), government ministries, Indigenous communities, and industry proponents, ACO continues to build respectful relationships, manage the consultation process, determine the adequacy of consultation activities for AER regulated activities and provide adequacy of consultation recommendations to other government ministries, such as Environment and Parks and Agriculture, Forestry and Rural Economic Development.

Figure 1, below, shows a brief overview of ACO's process when a natural resource development activity is proposed on Crown land. Here, ACO plays an important role by ensuring the proposed activity is assessed for Indigenous consultation requirements. The review includes 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 (i.e. delegated consultation). This includes notifying and engaging with relevant Indigenous communities to discuss project-specific issues and possible mitigation measures etc. Once consultation is complete, ACO performs an adequacy of consultation assessment whose findings are communicated to the regulator, Indigenous community, and proponent in accordance with the Government of Alberta's Consultation Policies and Guidelines (<https://www.alberta.ca/indigenous-consultations-in-alberta.aspx>).

ACO Process within the regulatory framework

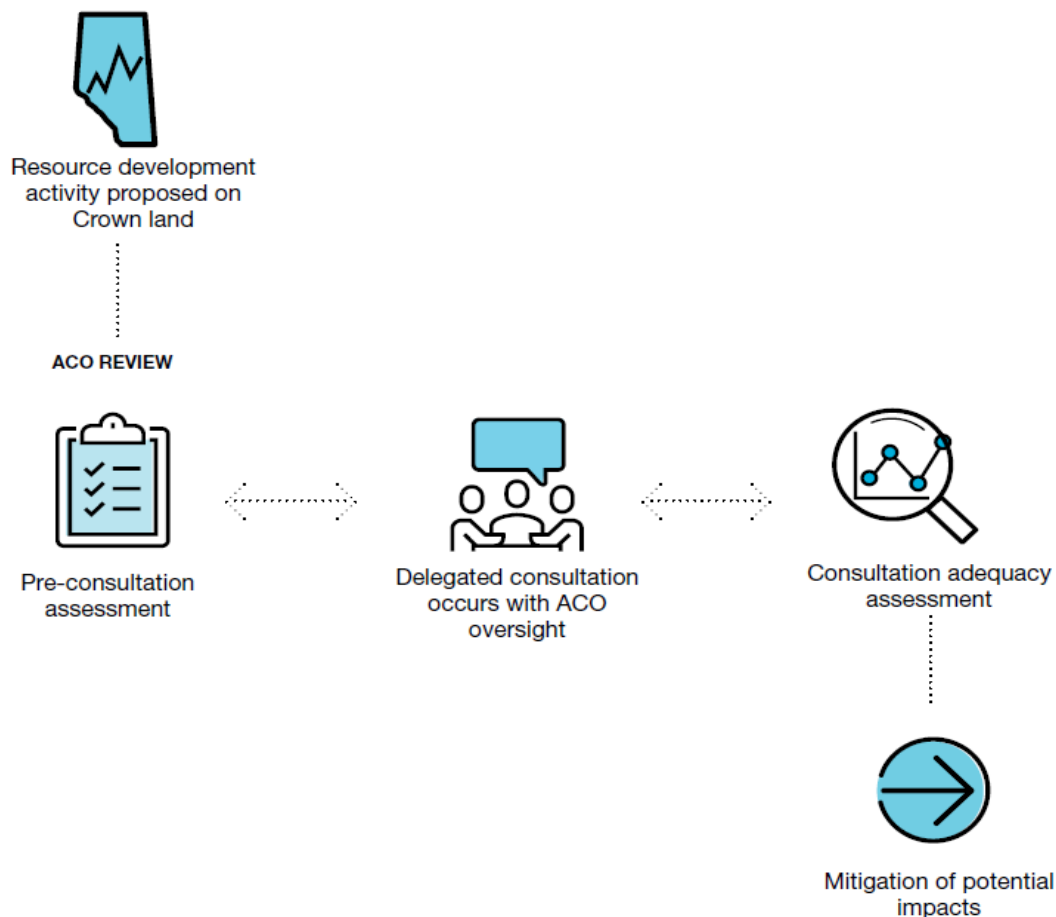


Figure 1. ACO process within the regulatory framework.

*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 decision involving land, water, air, forestry, or fish and wildlife.

Highlights from 2021-22 Fiscal Year

These highlights show some of the key statistics from 2021-22 fiscal year. This includes volume of natural resource development applications and associated activities. It also provides information about ACO's performance in terms of application review timelines as well as percentage of applications returned back to proponents for additional information. ACO ensures application completeness and that the proponent has carried out procedural aspects of the delegated consultation in accordance with the Government of Alberta's Consultation Policies and Guidelines.

Applications and activities



ACO reviewed **7,998 land and natural resource development applications** for pre-consultation assessment and consultation adequacy. These led to **11,979 activities on Crown land**.

This represented about **15% increase in activities compared to last year**. See Appendix for the regional breakdown and activities submitted by high-volume proponents.

More information requests



ACO returned about **26% of total applications for more information compared to 27% last year**.

Of those, about **20% applications at the pre-consultation assessment stage** and **approximately 54%**

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 etc. ACO's due diligence ensures completeness of the procedural aspects of the delegated consultation.

ACO application review timelines*

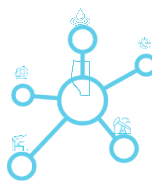


Throughout the year, ACO **stayed within mandated target timelines – within four and 10 working days**.

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

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

Applications by sector and extensive consultations



ACO processed applications for **more than 1,200 activities related to pipelines, more than 1,500 activities related to oil and gas well sites, and more than 700 activities related to water**.

These sectors saw an **increase in activities by 10 to 30% compared to last year**, depending on the sector.

ACO designated 18 consultation applications as Level 3 - extensive consultation* about 30% increase compared to last year.

* Extensive consultation activities are typically:

- long (more than 10 years);
- large in size and scale or complexity;
- capable of extensive environmental impact; and
- needing approvals from multiple regulatory authorities.

ACO's business continuity

Fiscal year 2021-22 was another challenging year for Alberta's natural resources sector due to the COVID-19 pandemic. Indigenous communities, industry, and government staff used new ways to manage consultation in a virtual environment.

From time-to-time, many Indigenous communities had to put health protocols in place to protect their members. Industry proponents and government staff also had to shift their focus to keep staff safe by working remotely – a practice based on Alberta's public health orders.

ACO continued to consider consultation timeline extension requests during the pandemic to help those Indigenous communities that needed more time to prioritize health and safety of their members, while ensuring projects move forward. Consultation timeline extensions slow a project without bringing it to standstill. About 37% of Indigenous communities received consultation timeline extensions last year. During these periods, ACO remained well within target timelines when reviewing files for pre-consultation assessment and consultation adequacy.

In line with Alberta's COVID-19 management, all consultation timeline extensions were discontinued on March 28, 2022. Resiliency and innovation helped Alberta's natural resource development sector continue to move forward while keeping up adequate consultation and peoples' health and safety.



Continuous improvements

ACO Digital Service



ACO has been developing a new online tool, ACO Digital Service (ACO DS), to modernize Alberta's consultation process. The ACO DS is a custom-built digital solution to make the consultation process more efficient, effective, transparent and easier for people involved in consultation.

This past year, the project team continued working with industry, Indigenous communities, government ministries and agencies to build on the previously released beta version of the system. It is available online at <https://aco.alberta.ca/home>.

The ACO DS released a major update in September 2021. That update integrated the ACO DS with the Alberta Energy Regulator (AER's) OneStop system for quicker data sharing between the systems. For the first time ever, Indigenous communities and industry can directly access their consultation documents from one secure, government-provided system, which helps everyone stay aware of their consultation files more easily than ever.

The ACO DS has also been integrated with Alberta Environment and Parks' (AEP) Digital Regulatory Assurance System (DRAS). This allowed proponents to submit AEP-regulated applications under the *Environmental Protection and Enhancement Act* and *Water Act* through the ACO DS. ACO, AER and AEP are still working together on more system integration and on ways to improve the consultation process between the organizations.

There is more work happening for all types of consultation application submissions to be processed through the ACO DS. Work with pilot users is helping ACO test and refine application submissions and processing features. By 2023, ACO plans to move all users and applications to the ACO DS.

A consultation guide for First Nations and Métis communities

ACO kept working to make a consultation guide (Guide) specifically for First Nations, Metis Settlements, and credibly asserted Métis communities. Currently, there is not a specific consultation guide for Indigenous communities. The purpose of this guide is to provide information on Alberta's consultation and regulatory processes that is specific to the needs of Indigenous communities. The Guide is being developed under the Government of Alberta's Consultation Policies and Guidelines and will supplement the information available about Alberta's consultation process by clarifying roles and responsibilities of Indigenous communities, industry, regulators and ACO.

Between May and October 2021, ACO held engagement meetings with Indigenous communities across Alberta to get input and to identify relevant content for them about Alberta's consultation process. ACO has been reviewing all feedback carefully to help inform the guide in ways that meet the needs of Indigenous communities.

The Guide should be available in the coming year.

ACO training and outreach

A training and outreach program helped ACO share information about Alberta's consultation process. Industry proponents, Indigenous communities, professional associations and organizations, Alberta government ministries and regulators involved in consultation work, as well as students from post-secondary institutions, had all participated in ACO's information sessions and presentations.

This past year, ACO delivered over 20 such information sessions. It was a great opportunity to share information with professionals working (or aspiring to work) in the consultation field, have discussions and tell them about parts of Alberta's consultation process. This also helped to strengthen relationships between ACO and participants.

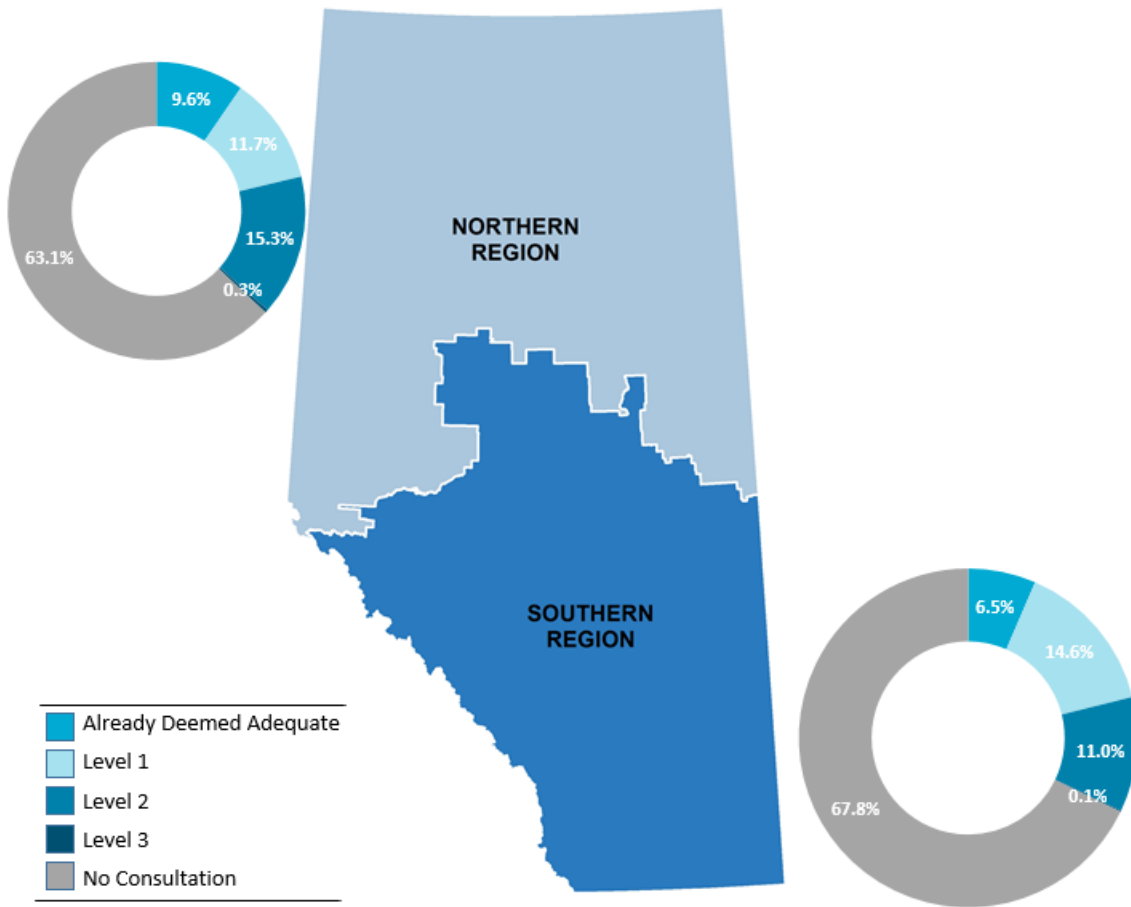
ACO also provided staff training and development, like orientation and onboarding of ACO staff and cross-ministry partners in the new ACO DS, so we can better serve industry proponents and Indigenous communities to review their consultations through the new system. As well, the ACO created training videos for users to use and navigate the new system. New videos will come as improvements continue.

Appendix

Regional breakdown of activities processed

Northern Region

Total Processed: 6,744



Southern Region

Total processed: 5,235

Note: ACO reviewed 'no consultation outcomes' applications and determined that consultation was not required and proponents could proceed with their regulatory application. Activities that are short-term, small in size and have no or limited environmental impacts do not require consultation. Limited environmental impacts could include certain temporary field authorizations or 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.

Activities submitted by high-volume proponents

A total of 524 proponents submitted pre-consultation assessment requests. The 18 proponents in the graph below submitted more than 150 activities each.

