



The Government of Alberta's Proponent Guide to First Nations and Metis Settlements Consultation Procedures

June 6, 2016



About this version:

The Aboriginal Consultation Office strives to provide relevant and up-to-date information to all parties involved in the consultation process. The changes made in this version are aimed at clarifying existing processes and requirements, as well as incorporating Alberta's recent implementation of *The Government of Alberta's Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2015*.

About this document:

This document (Proponent Guide) is intended to be a supplement to Alberta's First Nations and Metis Settlements consultation guidelines. 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 portal. The Proponent Guide provides project proponents with information on the ACO's expectations as it relates to all three major stages of the consultation process: Pre-consultation Assessment, Proponent-led Consultation, and Adequacy Assessment. For each stage, the primary focus of the content is on the administrative steps, submissions standards and requirements expected of proponents.

This document is intended to be consistent with the Government of Alberta's First Nations and Metis Settlements consultation policies and guidelines; it is not intended to be used as a standalone document. The following Government of Alberta documents should be referred to when carrying out consultation activities:

- *The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013* ("Alberta's First Nations Consultation Policy");
- *The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014* ("Alberta's First Nations Consultation Guidelines");
- *The Government of Alberta's Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2015* ("Alberta's Metis Settlements Consultation Policy"); and
- *The Government of Alberta's Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, April 1, 2016* ("Alberta's Metis Settlements Consultation Guidelines").

Should there ever be a conflict between the contents of the Proponent Guide and Alberta's policies or guidelines, the prevailing order of authority will be: 1) the Policies; 2) the Guidelines; and then 3) the Proponent Guide.

Other Regulatory Bodies:

Proponents currently seeking consultation direction on *Public Lands Act* dispositions falling under the administration of Alberta Environment and Parks may continue to utilize the Electronic Disposition System and the submission standards outlined in this document. For other activities administered by Government of Alberta ministries, please contact the appropriate regional office of the applicable ministry. The ACO provides consultation advice and recommendation to Government of Alberta ministries upon their request.

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List of Acronyms

ACO	Aboriginal Consultation Office	HRA	<i>Historical Resources Act</i>
AER	Alberta Energy Regulator	HRV	Historical Resource Value
AEP	Alberta Environment and Parks	IR	Indigenous Relations
ATS	Alberta Township Survey	LNC	Letter of No Concerns
CA	Consultation Advisor	LOC	Licence of Occupation
EDS	Electronic Disposition System	MMA	<i>Mines and Minerals Act</i>
EIA	Environmental Impact Assessment	MSL	Mineral Surface Lease
EPEA	<i>Environmental Protection and Enhancement Act</i>	PLA	<i>Public Lands Act</i>
EZE	Easement	PLAR	Public Lands Administration Regulation
FA	<i>Forests Act</i>	ROC	Record of Consultation
FNC	File Number for Consultation	SME	Surface Materials Exploration
GoA	Government of Alberta	WA	<i>Water Act</i>

Important Links

Aboriginal Consultation Office (ACO):

<http://indigenous.alberta.ca/1.cfm>

Alberta Culture – *Historical Resources Act* approvals:

<http://culture.alberta.ca/heritage/resourcemanagement/archaeologyhistory/researchpermitmanagementsystem/OPaC.aspx>

Alberta Energy Regulator (AER):

<http://www.aer.ca>

Alberta Utilities Commission (AUC):

<http://www.auc.ab.ca/Pages/Default.aspx>

Electronic Disposition System (EDS) First Nation Consultation User Manual:

<http://esrd.alberta.ca/forms-maps-services/industry-online-services/electronic-disposition-system/default.aspx>

Environmental Assessment:

<http://esrd.alberta.ca/lands-forests/land-industrial/programs-and-services/environmental-assessment/default.aspx>

First Nations and Metis Settlements Consultation Contact Listing:

<http://indigenous.alberta.ca/576.cfm>

Forestry:

<http://www.agric.gov.ab.ca/app21/forestrypage>

Grazing Leases:

<http://aep.alberta.ca/lands-forests/grazing-range-management/default.aspx>

Public Lands Administration Regulation (PLAR) Approvals and Authorizations Administrative Procedures - Tables C & D:

<http://aep.alberta.ca/forms-maps-services/forms/lands-forms/aep-forms/default.aspx>

Alberta's First Nations and Metis Settlements consultation policies and guidelines:

<http://indigenous.alberta.ca/policy-guidelines.cfm>

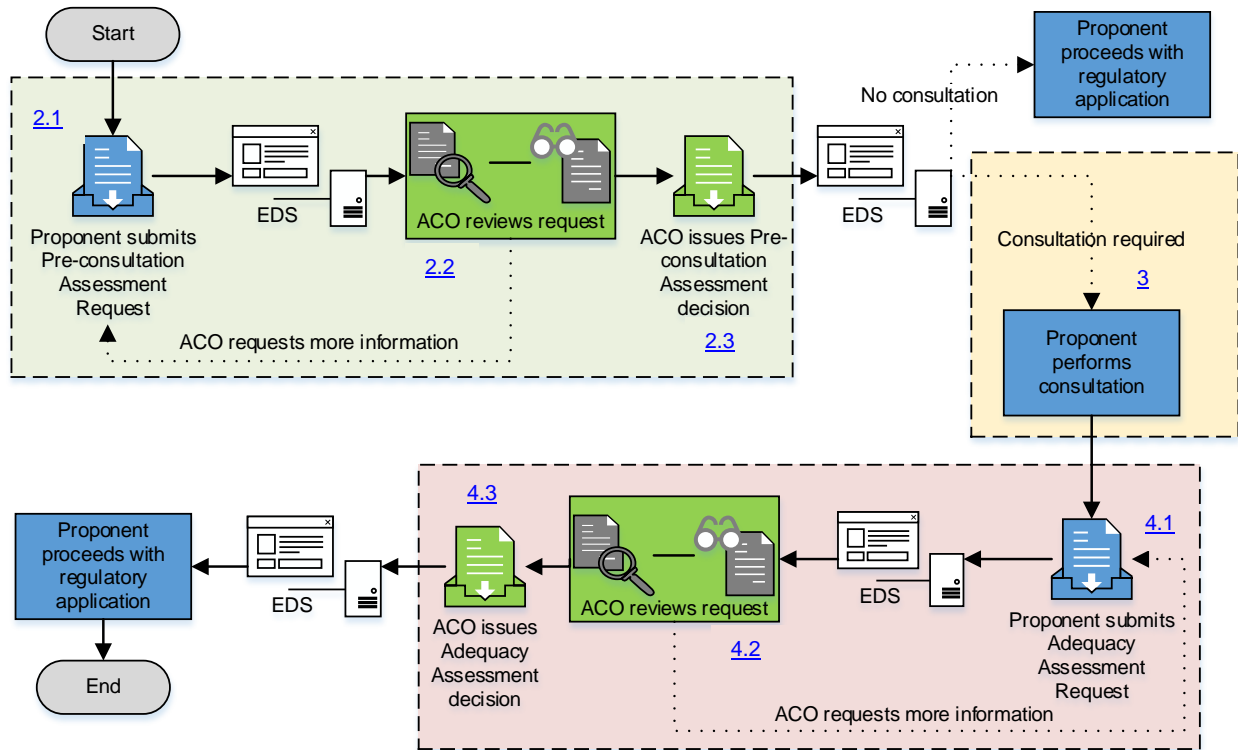
Joint Operating Procedures for First Nations Consultation on Energy:

<http://www.aer.ca/rules-and-regulations/by-topic/aboriginal-consultation>

Note: These links may be updated when required.

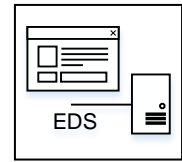
Consultation Process Flowchart

Figure 1 (Consultation Process)



1. Electronic Disposition System

The Electronic Disposition System (EDS) is a web-based tool managed by Alberta Environment and Parks. The EDS allows users to electronically submit specified applications, amendments, and associated documents for surface dispositions. The EDS can also be utilized by users to seek consultation direction from the Aboriginal Consultation Office (ACO) for activities regulated by the Alberta Energy Regulator under the *Public Lands Act* (PLA), *Water Act* (WA), and *Environmental Protection and Enhancement Act* (EPEA).



Note: Proponents currently seeking consultation direction on *Public Lands Act* dispositions falling under the administration of Alberta Environment and Parks may continue to utilize the Electronic Disposition System and the submission standards outlined in this document. For other activities administered by Government of Alberta ministries, please contact the appropriate regional office of the applicable ministry. The ACO provides consultation advice and recommendation to Government of Alberta ministries upon their request.

1.1 Setting up an EDS Client ID and User ID

Proponent must have both a Client ID and a User ID in order to seek consultation direction from the ACO via the EDS. Proponents who do not have a Client ID and User ID will need to acquire both by following the steps outlined below.

To apply for a Client ID, go to the [AEP Forms](#) page, select User IDs & Client IDs for Access to Industry Online Services and complete the form titled “Application/Amendment” for Client ID.

To request a User ID, go to the [AEP Forms](#) page, select User IDs & Client IDs for Access to Industry Online Services and complete the form titled “User ID Request Form-EDS-LAT-PCS-IWCP-FireWeb-PHAP”.

1.2 Creating or Managing Consultation Requests

To create or manage consultation requests, [login to EDS](#) and select option **1. First Nations/Metis Settlements Consultation Submissions**.

From here, proponents can

- create and submit a Pre-consultation Assessment Request,
- respond to a Request For More Information,
- view submission status,
- submit a request for an Adequacy Assessment, and
- cancel a File Number for Consultation (FNC).

For more information regarding the login process and the EDS in general, please refer to the *EDS First Nation Consultation User Manual*.

2. Pre-consultation Assessment

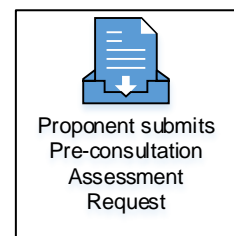
The Pre-consultation Assessment stage is the first stage in Alberta’s First Nations and Metis Settlements consultation processes. The Pre-consultation Assessment stage begins with a proponent’s successful submission of a Pre-consultation Assessment Request and ends with a Pre-consultation Assessment decision by the ACO.

A Pre-consultation Assessment Request is an electronic submission carried out via the EDS in order to seek information on the consultation requirements of a proposed project and/or activity requiring regulatory approval. The submission will result in a Pre-consultation Assessment decision that will indicate whether or not consultation is required. If consultation is required, the decision will identify the level of consultation and the First Nation(s) and/or Metis Settlement(s) to be consulted.

2.1 Information Required When Completing a Pre-consultation Assessment Request

2.1.1 Public Lands Act Disposition Requirements

When completing a Pre-consultation Assessment Request through the EDS, proponents will be required to provide information via two different methods: data entry and file upload. The table below (Table 1) identifies the information required in a Pre-consultation Assessment Request. Each item is accompanied by a brief description and the submission standards, including



- document organization, layout, presentation; and
- the applicable ‘Document Type’ that each document falls under within the EDS.

Table 1 (Pre-consultation Assessment Request Requirements – PLA)

Information Name	Description	Requirements/Standards	Document Type (EDS)
Disposition Type (always required)	The Disposition Type field is utilized to identify the type of activity for which a consultation assessment is being sought. Note: All activities identified in a Pre-consultation Assessment Request must be administered by the same regulatory body.	The disposition type must be selected from the Disposition Type drop-down list in the EDS. Proponents are advised of the following: <ul style="list-style-type: none"> • The ACO will only provide consultation direction (Pre-consultation Assessment) on those activities listed via Disposition Type drop-down list; dispositions are identified by their respective disposition type code as outlined under the Public Lands Administration Regulation (PLAR). • All activities selected must be identifiable on the map(s), sketch(es), or survey plan(s) submitted by proponents as part of their application. 	N/A

Information Name	Description	Requirements/Standards	Document Type (EDS)
Purpose Type (always required)	The Purpose Type is utilized to capture the general purpose (identified as Purpose Code within PLAR) as well as the specifics of the activity (identified as Activity Code within PLAR) for which a consultation assessment is being sought.	The general purpose (Purpose Code) and the specifics of the activity (Activity Code) must be selected from the Purpose Type drop-down list in the EDS for each disposition.	N/A
Duration of Activity (always required)	Duration of the proposed activity.	The duration of the proposed activity (operational life of the activity) must be noted in the Client Remarks section in the EDS along with the scheduled start and finish times of construction.	N/A
Area (always required for PLA dispositions)	Area (in hectares or kilometers) of the activity/project, with all areas being inclusive of new and existing clearing/cut.	<p>The area must be entered into the appropriate field in the EDS for each activity for which the proponent is applying. Proponents are advised that</p> <ul style="list-style-type: none"> • the area(s) entered into the EDS must match the area(s) indicated on the map(s), survey(s), or sketch(es) provided; and • discrepancies between the area(s) noted in the EDS and area(s) in supporting documents uploaded may cause a delay in processing. 	N/A
Alberta Township Survey (ATS) System Locations (always required)	The ATS “From” and “To” points represent the location of the project and help guide the ACO in determining which First Nation(s) and Metis Settlement(s) should be consulted.	<p>The ATS “From” and “To” locations must be entered into the appropriate fields in EDS for each activity. Proponents are advised of the following:</p> <ul style="list-style-type: none"> • Proponents should ensure that no additional lands are included and that no relevant lands are excluded. • Where applicable, buffers must be included within the ATS “From and “To” locations. For more details regarding the use of buffers, please refer to Appendix B. • The ATS locations indicated in the EDS for each activity must match the ATS locations on the map(s), survey(s), or sketch(es) provided. <p>Please refer to Figure 2 (ATS Locations) for more details on ATS locations.</p>	N/A

Information Name	Description	Requirements/Standards	Document Type (EDS)
Previous Consultation (required, where applicable)	Information confirming prior consultation that is either applicable or related to the activities for which a consultation assessment is being sought. Proponents are expected to be forthcoming about past Government of Alberta directed consultation with First Nations or Metis Settlements that is related to the activity/project currently in question.	Proponents are advised of the following: <ul style="list-style-type: none"> • Where applicable, proponents must note previous FNC#(s) and include a brief explanation in the Client Remarks section in the EDS. • If no previous FNC# is available, previous consultation adequacy decision letters or approval documents may suffice. • Documentation of previous consultation should be submitted as 1 PDF file per FNC and must clearly demonstrate how previous consultation is applicable to the current activities in question. 	Assessment Request Prior Consult
Map(s), Sketch(es), Survey Plan(s), Site Plan(s) (always required)	File(s) submitted to provide a detailed visual depiction of the activity(ies) for which consultation assessment is being sought.	Proponents are advised of the following: <ul style="list-style-type: none"> • Map(s), plan(s), sketch(es) should be submitted as 1 PDF file per FNC and not per activity for which the proponent is applying (i.e., you may submit 1 PDF file with several maps, surveys, sketches, etc., instead of submitting multiple PDFs to capture multiple activities. Where not possible, because of technological limits, multiple PDFs may be submitted). • The file(s) submitted must clearly illustrate the location of the proposed activity/project in relation to any easily identifiable or commonly known landmarks (e.g., settlements, rivers, lakes, roads). In addition to this, the nature, scope, and magnitude of the proposed activities must be illustrated (e.g., basic linear measurements and aerial dimensions, existing and proposed facilities, means of access and egress). Files submitted must also provide detailed sketches of each activity and overall project plans with the ATS legal locations. Where applicable, "As-built" survey plans should be provided to confirm existence of an as-built activity. 	Assessment Request Plan

Information Name	Description	Requirements/Standards	Document Type (EDS)
Supporting Information (optional)	Information that the proponent feels may assist the ACO in its decision.	<p>Proponents are advised of the following:</p> <ul style="list-style-type: none"> Supporting information must be submitted as 1 PDF file per FNC, except where system limits do not permit the user to do so. Supporting information may include: technical reports highlighting potential impacts of proposed activity/project; applicable regulatory applications (i.e., if you have the regulatory application available); or any information that the proponent feels is important to the Pre-consultation Assessment. Proponents should always reference and provide a brief explanation of supporting documentation included in their request within the Client Remarks section in EDS. Supporting information may also be provided as text via the Client Remarks section in the EDS and does not have to be submitted as a PDF file unless the nature of information requires it (e.g., large amount of information, images, etc., cannot be captured via Client Remarks section). 	Assessment Request Supporting Doc

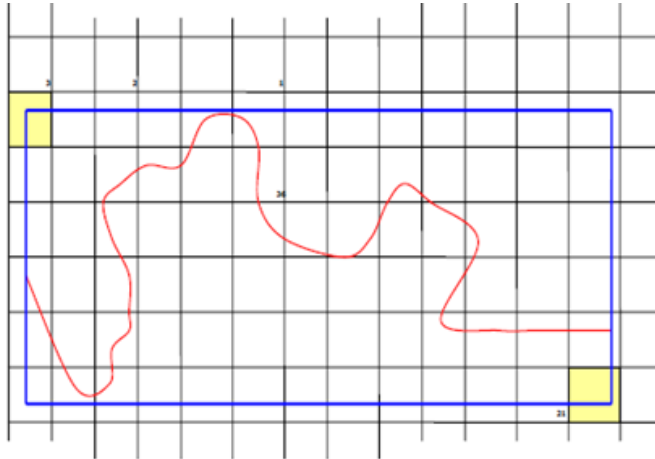
Note: Pipelines that span multiple townships and are required by the AER to be applied for in segments should be applied for as separate activities under one request (i.e., under one FNC#).

In addition to the information noted in the table above, the following information is required, where applicable:

- In the Client Remarks section in the EDS, all regulatory approvals—including any applicable conditions—that are associated with the project/activities now being applied for should be noted; this may include, past, present, and future activities that are regulated under the *Water Act*, *Environmental Protection and Enhancement Act*, *Public Lands Act*, *Forest Act (FA)*, and/or the *Mines and Minerals Act (MMA)* (Part 8).
- If the proponent intends to utilize a buffer, they must clearly state this in the Client Remarks section in the EDS and ensure that the buffer area is appropriately placed on the relevant sketches/surveys/maps. For more details regarding the use of buffers, please refer to [Appendix B](#).
- If a Pre-consultation Assessment Request is being submitted to account for an administrative change, the proponent should describe any changes in the activity and indicate why a new FNC# is required in the Client Remarks section.
- Any incidental activities under the *Public Lands Act* that will be approved in association with a formal disposition and require a “FN Consultation Assessment” (according to Tables C and D of the *PLAR Approvals and Authorizations Administrative Procedures*) should be applied for as separate activities under the same FNC# through the EDS to ensure that consultation occurs on all necessary activities.

- For Surface Materials Exploration (SMEs) programs, please include the following information in the Client Remarks section in the EDS: the number of test holes planned, the approximate number of hectares of the access and test holes, and the number of days during which the exploration program will be conducted.

The diagram below (Figure 2) depicts an example of a linear activity and the ATS “From” and “To” points. To identify the “From” and “To” locations, the proponent should draw a box around the proposed project and select two diagonal corners to represent the “From” and “To” locations. In the example provided below, the top-left corner of the box represents the “From” location, and the bottom-right corner of the box represents the “To” location.



Proponents must follow the naming conventions outlined in the *EDS First Nation Consultation User Manual*—failure to do so may cause the file to be rejected. When uploading documents, proponents must ensure that the naming conventions are indicative of the respective documents. All electronically scanned supporting documents must be in PDF format. Scanning must meet the standards indicated in the *EDS First Nation Consultation User Manual*.

Note: It is the proponent’s responsibility to ensure all documents meet the stated requirements. Any missing documents or unclear information may prompt the ACO to place the review on hold and request additional information.

2.1.2 EPEA/WA Requirements

When completing a Pre-consultation Assessment Request through the EDS for EPEA or WA applications, proponents will be expected to provide the same information outlined in Table 1 except for the minor differences identified in Table 2.

Note: Proponents must always utilize the New Sites field in the EDS for all WA/EPEA approvals being sought. The specific type of regulatory approval required (i.e., renewal, amendment) can be indicated in the WA/EPEA supplement required as part of the request.

Table 2 (Pre-consultation Assessment Request Requirements – WA/EPEA)

Information Name	Description	Requirements	Document Type (EDS)
Disposition Type (always required)	The Disposition Type field is utilized to identify the type of activity for which a consultation assessment is being sought.	For WA and EPEA applications please utilize the WAC and EPC codes from the Disposition Type drop-down list in EDS. Proponents are reminded of the following: <ul style="list-style-type: none"> The ACO will only provide consultation direction (Pre-consultation Assessment) on those activities listed via Disposition Type drop-down list. All activities selected must be identifiable on the map(s), sketch(es), or survey plan(s) submitted by proponents as part of their application. 	N/A
Area (always required for EPEA activities and required for WA activities, where applicable)	Area (in hectares or kilometers) of the activity/project, with all areas being inclusive of new and existing clearing/cut.	For WA applications with point withdrawal sources, a “zero” area value may be used.	N/A
WA/EPEA Supplement (always required)	Supplement form required for all WA/EPEA applications	Proponents must always include the WA/EPEA supplement form (titled: Pre-consultation Assessment Request – <i>Water Act</i> /EPEA/or combination with <i>Public Lands Act</i> Application(s)) when submitting a Pre-consultation Assessment Request for EPEA/WA activities. The form is located on the ACO's webpage .	PreCon Assessment Request for WAC EPC
Duration of Activity (always required)	Duration of the proposed activity.	The duration of the proposed activity must be noted in the WA/EPEA Supplement.	PreCon Assessment Request for WAC EPC

2.2 Pre-consultation Assessment Request Review

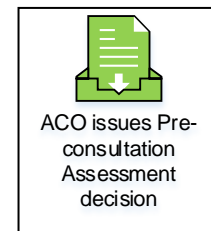
Submitting an Assessment Request will prompt EDS to trigger a notification to the ACO that an FNC file is ready for review. Proponents should be aware of the following:



- Once a proponent has submitted a Pre-consultation Assessment Request, they have a narrow window of time to notify the ACO of any errors made in their submission (refer to the Government of Alberta’s (GoA) [consultation guidelines](#) for more information on the ACO’s assessment timelines).
- If a proponent needs to make changes to their Pre-consultation Assessment Request, they must email the [FNC Unit inbox](#) (ir.fnconsultlands-eds2110ea@gov.ab.ca) so that the ACO may release the Pre-consultation Assessment Request back to the proponent who will then make the appropriate changes. Finally, the proponent must re-submit the Pre-consultation Assessment Request with the changes made so that the Pre-consultation Assessment decision can be issued.
- If the ACO identifies any errors, a Request For More Information will be sent (via the EDS) to the proponent highlighting the error(s) made. The proponent must respond to the Request For More Information—making the necessary changes—and re-submit the Pre-consultation Assessment Request so that a Pre-consultation Assessment decision can be issued.
- The ACO’s direction and decision will be based on the information submitted.
- If the corporate status (ownership) changes during the consultation process on lands associated with an FNC, the FNC must be cancelled and a new Pre-consultation Assessment Request will have to be submitted using the appropriate Client ID.

2.3 Pre-consultation Assessment Decision

Once a Pre-consultation Assessment Request has been reviewed by the ACO, a Pre-consultation Assessment decision will be issued that will indicate whether or not consultation is required. If consultation is required, the Pre-consultation Assessment will also identify the level of consultation and the First Nation(s) and/or Metis Settlement(s) to be consulted.



- **If consultation is not required**, the Pre-consultation Assessment will state “No Consultation Required.”
- **If consultation has previously been completed and assessed as adequate**, the Pre-consultation Assessment will state “Already Deemed Adequate.”
- **If consultation is required**, the Pre-consultation Assessment will indicate the level of consultation and identify which First Nation(s) and/or Metis Settlement(s) need to be consulted.

2.4 Levels of Consultation

Where consultation is required, the level of consultation will be noted in the Pre-consultation Assessment decision.

2.4.1 Level 1

Level 1: Streamlined Consultation

- Notified First Nations and/or Metis Settlements have up to 15 GoA working days to respond¹ to a project notification.
- If First Nations and/or Metis Settlements respond to notification, consultation should be complete within 15 GoA working days of response to notification.
- If the 15-day notification period has expired and a First Nation and/or Metis Settlement has not responded, the proponent
 - will provide the First Nation and/or Metis Settlement with the consultation record, and
 - may ask the ACO to review the consultation record after the First Nation and/or Metis Settlement has had 5 GoA working days to review the record.

Note: The response period begins on the GoA working day following verified receipt of the project notification package (also known as information package) by the First Nation and/or Metis Settlement (refer to [section 3.2](#) and [section 3.3](#) for more details on the information package and for more details on verifiable delivery methods). For a visual illustration of the timelines noted in section 2.4, refer to [Appendix E](#).

2.4.2 Level 2

Level 2: Standard Consultation

- Notified First Nations and/or Metis Settlements have up to 15 GoA working days to respond to a project notification.
- If no response is received from the First Nation(s) and/or Metis Settlement(s) within approximately 5 GoA working days of initial project notification, the proponent will follow-up² with the First Nation(s) and/or Metis Settlement (s).
- If a response is still not received from the First Nation(s) and/or Metis Settlement(s) within approximately 10 GoA working days of initial project notification, the proponent will follow-up a second time with the First Nation and/or Metis Settlements.
- If First Nations and/or Metis Settlements respond to notification, consultation should be complete within 20 GoA working days of response to notification.
- If the 15-day notification period has expired and a First Nation and/or Metis Settlement has not responded, the proponent
 - will provide the First Nation and/or Metis Settlement with the consultation record, and
 - may ask the ACO to review the consultation record after the First Nation and/or Metis Settlement has had 5 GoA working days to review the record.

¹ Refer to [section 3.4](#) for more information regarding responses.

² Refer to [section 3.4](#) for more information regarding follow-ups.

2.4.3 Level 3

There are two categories under level 3 consultation: Level 3: Extensive Consultation and Level 3: Extensive consultation for projects with an Environmental Impact Assessment (EIA). Under both categories, there is a requirement for proponents to prepare and submit a consultation plan. The proponent will be directed in the Pre-consultation Assessment to contact a designated ACO staff for consultation plan direction. Once the proponent has completed their consultation plan, they must submit it to the ACO for review and approval. If the ACO identifies any outstanding issue(s) in the plan during the review process, then the ACO will advise and direct the proponent of the appropriate measures to address these issues. Once the plan has addressed all issues, the ACO will send the proponent a letter that indicates plan approval and identifies consultation reporting requirements.

The consultation plan, at minimum, shall include

- the project proponent's contact information and, if applicable, all sub-contractors' contact information;
- a list of First Nations and/or Metis Settlements to be consulted with as directed by the ACO;
- a plain language information package (see [section 3.2](#));
- the method(s) of delivery for providing the First Nation(s) and/or Metis Settlement(s) with the information package;
- the potential method(s) for communicating direct notices to First Nation(s) and/or Metis Settlement(s);
- any available information regarding potential adverse impacts to First Nations' Treaty rights and traditional uses;
- any available information regarding potential adverse impacts to Metis Settlements members' harvesting and traditional use activities;
- timelines and schedules for consultation activities, including any significant milestones; and
- the reporting procedures for providing status updates to the ACO regarding the progress and results of consultation.

Note: A consultation plan is not required to be sent to First Nations and Metis Settlements and it does not have to be approved by them. Proponents must still provide First Nations and Metis Settlements with an information package. For more information regarding consultation plan requirements and consultation status reporting methods, refer to [Appendix D](#).

Level 3: Extensive Consultation

Once a proponent's consultation plan is approved by the ACO:

- Notified First Nations and/or Metis Settlements have up to 20 GoA working days to respond to a project notification.
- If no response is received from the First Nation(s) and/or Metis Settlement(s) within approximately 10 GoA working days of initial project notification, the proponent will follow-up with the First Nation(s) and/or Metis Settlement(s).
- If a response is still not received from the First Nation(s) and/or Metis Settlement(s) within approximately 15 GoA working days of initial project notification, the proponent will follow-up a second time with the First Nation(s) and/or Metis Settlement(s).
- If First Nations and/or Metis Settlements respond to notification, consultation should be substantially underway or complete within 60 GoA working days of response to notification.
- If the 20-day notification period has expired and a First Nation and/or Metis Settlement has not responded, the proponent
 - will provide the First Nation and/or Metis Settlement with the consultation record, and
 - may ask the ACO to review the consultation record after the First Nation and/or Metis Settlement has had 10 GoA working days to review the record.

Level 3: Extensive Consultation for projects with EIAs

Once a proponent's consultation plan is approved by the ACO:

- Notified First Nations and/or Metis Settlements have up to 20 GoA working days to respond to a project notification.
- If no response is received from the First Nation(s) and/or Metis Settlement(s) within approximately 10 GoA working days of initial project notification, the proponent will follow-up with the First Nation(s) and/or Metis Settlement(s).
- If a response is still not received from the First Nation(s) and/or Metis Settlement(s) within approximately 15 GoA working days of initial project notification, the proponent will follow-up a second time with the First Nation(s) and/or Metis Settlement(s).
- Where the First Nations and/or Metis Settlements respond to notification, consultation is expected to be completed within the applicable regulatory timelines.
- If the 20-day notification period has expired and a First Nation and/or Metis Settlement has not responded, the proponent
 - will provide the First Nation and/or Metis Settlement with the consultation record, and
 - may ask the ACO to review the consultation record after the First Nation and/or Metis Settlement has had 10 GoA working days to review the record.

For information on the EIA process, please refer to [Important Links](#).

Note: For all levels, the timeline for completing the consultation process will be driven by the particular circumstances arising within each case. While consultation should be complete within the timeframes noted above, there may be cases where further time is required to complete a reasonable consultation process.

2.5 Alberta Culture HRV 4c Listings

In the Pre-consultation Assessment stage, the ACO will inform proponents of Alberta Culture and Tourism's requirements, where applicable. Consultation overseen by the ACO and consultation required to meet Alberta Culture and Tourism's requirements will proceed concurrently. The ACO's adequacy decision is independent of and does not replace Alberta Culture and Tourism's adequacy decisions as they relate to its regulatory requirements.

If the project area submitted by a proponent includes sites classified by Alberta Culture and Tourism's Listing of Historic Resources as HRV 4c, the project intersects lands that may contain a cultural historic resource. In such cases, avoidance of these lands or consultation with indigenous communities may be required. If advised of an HRV 4c overlap, proponents should provide project information and a copy of the Pre-consultation Assessment provided by the ACO to the following email:

aboriginal.heritage@gov.ab.ca

Proponents and agents need to contact Alberta Culture and Tourism prior to the onset of development activities should there be any historic resource concerns. Prior to any development activity on lands with a Historic Resource Value, an application for *Historical Resources Act* (HRA) approval must be made. While the ACO notifies proponents of potential HRV 4c traditional use site concerns, there may be other historic resources of concern (such as archaeological sites) which may require HRA approval before development activities can proceed.

Project details must be provided to Alberta Culture and Tourism in a Historic Resources Application submitted through the Online Permitting and Clearance (OPaC) system.
<https://www.opac.alberta.ca/Login.aspx>

If there will be consultation requirements from Alberta Culture and Tourism, the relevant First Nation(s) and Metis Settlement(s) may differ from the First Nation(s) and Metis Settlement(s) listed in the ACO's requirements. Staff within the Aboriginal Heritage Section will respond to the HRV 4c concerns and will provide the proponent with any necessary guidance regarding their consultations.

3. Proponent-led Consultation

If a Pre-consultation Assessment decision states consultation is required, then the proponent is expected to carry out the procedural aspects of consultation as per the Government of Alberta's policy & guidelines on consultation with First Nations and Metis Settlements.

Proponent performs consultation

3.1 General Conduct and Expectations

When carrying out consultation, proponents are expected to act in good faith in all aspects of the consultation process; this includes, but is not limited to,

- taking reasonable measures to explore issues and/or concerns raised;
- responding to questions and concerns in a timely manner;
- providing First Nations and Metis Settlements with reasonable time to respond to any form of communication;
- considering options to avoid, minimize, or mitigate adverse impacts to First Nations' Treaty rights and traditional uses identified during the consultation process;
- considering options to avoid, minimize, or mitigate impacts to Metis Settlement members' harvesting and traditional use activities identified during the consultation process; and
- providing updates to parties involved in consultation of any change(s) to the proposed activity/project.

3.2 Information Package

Where consultation is required, proponents are expected to notify the First Nation(s) and/or Metis Settlement(s)—as identified by the ACO in the Pre-consultation Assessment—by sending an information package and notification letter to each First Nation's and/or Metis Settlement's official consultation contact as listed on the [ACO's webpage](#). An information package must be sent via a verifiable delivery method (refer to [section 3.3](#)). An information package must use suitable language and terminology that can allow potentially impacted First Nations and/or Metis settlements to clearly understand the proposed activity/project and the potential impacts of it. An information package will include:

- the FNC# and, where applicable, PLA, WA, and/or EPEA application numbers;
- proponent's contact name and contact numbers for expressing concerns or seeking further information;
- a description of the consultation process, including
 - the level of consultation and the associated timelines; and
 - a list of the Government of Alberta's consultation documents (e.g., policy, guidelines, Proponent Guide) and their availability on the Indigenous Relations' website;
- a notice that the proponent has been advised to consult with the First Nation or Metis Settlement and share information about the proposed activity. For proponents' convenience, [notification letters](#) have been developed for each level of consultation;
- a note that this project may be in the proximity of an HRV4c site, where applicable;

- details about the proposed activity/project that will include
 - the purpose of the proposed activity/project, including an explanation of how it fits with existing and future plans;
 - proposed activity/project schedule for construction and operation;
 - anticipated life of the activity/project;
 - location of the proposed activity/project; and
 - potential short and long-term adverse impacts;
- any information provided by the GoA about potential First Nation's and/or Metis Settlement's concerns in the area (e.g., if the project has an HRV 4c listing in the area, proponents will be notified of such at the Pre-consultation Assessment stage);
- where applicable, a description of the buffer (refer to [Appendix B](#)) and its intent, including a clear illustration of its presence on the appropriate maps, sketches and/or surveys;
- a map that clearly illustrates the location of the proposed activity/project in relation to any easily identified or commonly known landmarks (e.g., settlements, rivers, lakes, roads);
- a site map that clearly illustrates the nature, scope, and magnitude of the proposed activity (e.g., basic linear measurements and aerial dimensions, existing and proposed facilities, means of access and egress);
- a detailed sketch of each activity and overall project plans with ATS legal locations representing the project;
- a list and description of the regulatory approvals being sought for the project/activity and the regulatory body(ies) the approvals are being sought from (e.g., *LOC-Public Lands Act*); and
- a request that the First Nation and/or Metis Settlement provide feedback in writing to the proponent—quoting the FNC number—within the prescribed time period. Any concern(s) identified in the feedback should
 - be spatially located, and
 - explain how the project may adversely impact the
 - a. First Nation's Treaty rights and traditional uses, or
 - b. Metis Settlement members' harvesting and traditional use activities.

A response period begins on the GoA working day following verified receipt of delivery of an information package. In cases where an information package is sent via two delivery methods, (e.g., email and registered mail/courier) the response period will be triggered by the method that has successfully delivered the information package first.

Note: Proponents must use one of the means of delivery authorized by the ACO (refer to [section 3.3](#)). Furthermore, proponents must use the First Nations and/or Metis Settlements consultation contacts lists and the prescribed consultation contact methods identified in those lists (the lists can be accessed on the [ACO's webpage](#)). These lists may be amended from time to time and use of any other lists or method of contact will not be accepted and may result in a determination of Incomplete Consultation.

3.3 Verification of Delivery

Below is a list of verifiable delivery methods accepted by the ACO.

Email: Proponents must provide a copy of each notification email sent to a First Nation and/or Metis Settlement as it indicates the files that were attached as part of the email. Proponent must provide an email delivery receipt to show that the email has reached the intended recipient. Where a proponent cannot provide a delivery receipt, an email response from a First Nation's or Metis Settlement's representative confirming receipt of the proponent's notification email may suffice. While it is ideal that the proponent provide a read receipt, it is not a requirement; this is because the person receiving the email has the option to respond or not respond to requests for a read receipt.

Note: An information package sent via email to a First Nation or Metis Settlement must be attached as one Portable Document Format (PDF). If one PDF file cannot be sent because of technological limits, e.g., email server attachment size limits, then multiple PDFs may be sent. This requirement is also applicable to Record of Consultation (ROC) Logs sent via email.

Registered mail/courier: Proponents must provide a copy of the proof of delivery (e.g., Tracking Number results/printout). Where possible, proof of signature should also be provided.

Personal delivery: Proponents must document the following in the ROC Log: who delivered the information to the First Nation or Metis Settlement, the name of the First Nation's or Metis Settlement's representative who received the information, and the date of delivery. Additionally, proof of receipt must be provided by the proponent via a First Nation or Metis Settlement representative's signature.

Fax: Proponents must provide a copy of the transmission receipt.

Electronic submission/portal: Some First Nations and Metis Settlements may direct proponents to submit information packages and ROC Logs via online consultation tools (sometimes referred to as Community Knowledge Keeper). The ACO encourages but does not require the use of these tools. Proponents are responsible for providing the documentation needed to demonstrate proof of delivery where such tools are used. Until this process is standardized, the ACO will review submissions on a case-by-case basis to confirm whether they meet ACO's verification standards.

Failure to pick up package: If a First Nation or Metis Settlement does not pick up an information package or a ROC Log within 5 GoA working days of the first verifiable delivery attempt, the ACO will consider the information package or the ROC Log as received.

Note: If the ACO is not provided with verification of delivery by the proponent, then the proponent may be directed to re-send the information package and re-initiate consultation. In cases where an information package is sent via two delivery methods (e.g., email and registered mail/courier), the response period will be triggered by the method that has successfully delivered the information package first. Similarly, in cases where an ROC Log is sent via two delivery methods (e.g., email and registered mail/courier), the review period will be triggered by the method that has successfully delivered the ROC Log first.

3.4 Responses and Follow-ups

The ACO utilizes the following definitions for responses and follow-ups within the notification period (also referred to as response period).

The ACO considers a **Response** to be:

- Feedback from First Nations describing how specific Treaty rights and/or traditional uses may be adversely impacted by the project at that location.
- Feedback from Metis Settlements describing how specific harvesting and traditional use activities may be adversely impacted by the project at that location.

The ACO does not consider a reply acknowledging receipt of an information package or awareness of a project as a sufficient response for the purposes of exempting a proponent from carrying out a follow-up. The proponent will still be expected to provide a follow-up where this occurs. This applies to all levels of consultation where a follow-up is required.

The ACO considers a **Follow-up** as an action where a proponent does the following:

- Proponent requests that the First Nation provide feedback about how specific Treaty rights and traditional uses may be impacted by the project at that location; or
- Proponent requests that the Metis Settlement provide feedback about how members' specific harvesting and traditional use activities may be impacted by the project at that location.

The ACO does not consider resending of an information package to a First Nation or Metis Settlement as follow-up unless it is accompanied by a request for feedback as outlined above. All follow-ups must be sent to the First Nation's and/or Metis Settlement's official consultation contact in the manner prescribed in the Indigenous Consultation Contacts listing found on the [ACO's webpage](#).

3.5 Record of Consultation (ROC) Log

Proponents will maintain a record of consultation efforts using the ROC Log form. The ROC Log form must be used to ensure consistency and any format that is inconsistent with the ROC Log form may be rejected. The ROC Log form can be found on the [ACO's webpage](#). Proponents will maintain an ROC Log for each First Nation and/or Metis Settlement consulted. Proponents must ensure that each ROC Log submitted to the ACO contains a complete, detailed, and accurate chronological account of the consultation activities, including all successful and unsuccessful efforts to engage and/or consult. Additionally, proponents are expected to gather, and maintain any supporting documentation (emails, letters, meeting minutes, memos, etc.) needed to substantiate entries made in the ROC Log.

The ROC Log should include:

- FNC#;
- First Nation or Metis Settlement;
- Company proponent name;
- Project/activity name/ID.

Each communication between the proponent and the First Nation or Metis Settlement should have its own row (entry) in the ROC Log. For each row in the ROC Log, the following information must be captured within the appropriate columns.

- Date of the communication.
- First Nation or Metis Settlement Representative(s): Full name of representative(s) from the First Nation or Metis Settlement with whom the communication occurred or was attempted.
- Method of contact: Select the method of contact for this communication from the drop down list. If “other”, please specify the method of communication in the outcomes/comments column.
- Included in supporting docs: Check this box if there is a supporting document included for this communication. All communications should include a supporting document, where one is available.
- Purpose of contact, brief details or key points, including proponent representative’s name: A brief summary of the communication, including the proponent representative’s name, intention of the communication and any key information that was shared. Information should be summarized, not copied directly from the supporting documents.
- Issues and concerns raised or identified by First Nation or Metis Settlement: Please include all issues and/or concerns raised (e.g., site-specific, cumulative impacts, etc.) during consultation, even if they are believed to be outside the scope of delegated consultation.
- Details on how concerns were addressed, including avoidance and mitigation measures: Identify any mitigation or avoidance measures suggested by either the proponent or the First Nation or Metis Settlement.
- Outcomes/Comments: Include any additional comments related to consultation as well as any commitments made during the communication, such as a future site visit or a promise to respond to a question. If the method of contact is “other”, please also include a description of the method of contact in this column.
- Issues Outstanding: This field applies to Level 3 projects where consultation is ongoing (Bi-monthly reporting is required). The check box should be utilized to indicate whether the associated entry contains any outstanding issues and/or requires further follow-up.

To see an example of a completed ROC Log, including supporting documentation, refer to the [ACO's webpage](#).

Note: Proponents are reminded that the ROC Log should clearly demonstrate how the proponent has attempted to address any issues and/or concerns raised by a First Nation or Metis Settlement during consultation (proponents are expected to provide a response to all communications originating from First Nations and Metis Settlements involved in consultation). The ROC Log should have a clear beginning and end where it is evident that the consultation loop has been closed by the proponent (in most cases, the final entry in the ROC Log should be the sending of the ROC Log to the First Nation or Metis Settlement for their review); this means the reviewer should be able ascertain the conclusion of consultation.

3.6 ROC Log Verification

Prior to requesting an Adequacy Assessment from the ACO, proponents must send ROC Log(s) to First Nation(s) and/or Metis Settlement(s) to review for any errors and/or omissions. In addition, each ROC Log sent for review must be accompanied by a notice explaining intent of the review, the timelines associated with the review (refer to Table 3 for timelines), and the proponent's future plans to apply for an Adequacy Assessment Request. For proponents' convenience, a ROC Log Review Letter has been developed and can be accessed via the [ACO's webpage](#).

When sending a ROC Log for review, the proponent must use the appropriate First Nations and/or Metis Settlements consultation contacts list and the prescribed consultation contact methods as identified on the [ACO's webpage](#). Use of any other list or method of contact will not be accepted and may result in a determination of Incomplete Consultation (refer to [section 3.3](#)).

Proof of ROC Log delivery via verifiable methods is required (e.g., email delivered and/or read receipt, fax transmission record, registered mail, courier, or personal delivery, refer to [section 3.3](#) for more details). The ROC Log review period for First Nations and Metis Settlements begins the next GoA working day following the verifiable ROC Log delivery date.

Table 3 (ROC Log Review Timelines)

Levels of Consultation	ROC Log Review Period (GoA Working Days)
<i>Level 1: Streamlined</i>	5
<i>Level 2: Standard</i>	5
<i>Level 3: Extensive (including projects with EIAs)</i>	10

If a First Nation or Metis Settlement identifies an error and/or omission in a ROC Log, the proponent—after being advised of the errors and/or omissions—must revise the ROC Log and send it to the First Nation or Metis Settlement as the final ROC Log (**Note:** there is no additional review period and the proponent may submit the ROC Log to the ACO to request an Adequacy Assessment). The original ROC Log, prior to the incorporation of the First Nation's and/or Metis Settlement's comments, should be submitted to the ACO in addition to the final ROC Log.

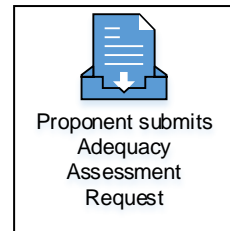
In cases where the ACO finds that the proponent's ROC Log has errors and/or omissions, the proponent may be directed to make the required changes and to send the revised ROC Log to the First Nation or Metis Settlement for re-review.

Note: Where a proponent has received a Letter of No Concerns (LNC) from a First Nation or Metis Settlement, the proponent is not required to send the ROC Log to that First Nation or Metis Settlement for review. However, proponents are encouraged to send the ROC Log to the First Nation or Metis Settlement for information purposes. For more information on a Letter of No Concerns, please refer to [Appendix C](#).

4. Adequacy Assessment

4.1 Submitting Consultation Records for Review

Alberta's First Nations and Metis Settlements consultation processes require that all consultation efforts are thoroughly documented. The table below (Table 4 (Adequacy Assessment Request)) identifies the information required in an Adequacy Assessment Request.³ Each document in the table is accompanied by a brief description, and the required submission standards, including



- document organization, layout, presentation; and
- the applicable “Document Type” that each document falls under within the EDS.

Table 4 (Adequacy Assessment Request)

Document	Description	Requirements/Standards	Document Type (EDS)
Information Package (always required)	Information sent to First Nations and Metis Settlements involved in consultation to inform them of a proposed project/activity. Refer to section 3.2 for more details.	Must be submitted as 1 PDF file per First Nation and Metis Settlement involved in consultation. Proponents are advised that <ul style="list-style-type: none"> • each Information Package submitted must include all information and maps required by the ACO in an Information Package; and • the information package(s) submitted must be identical to those sent to each First Nation and/or Metis Settlement. 	Notification Package
Verification of Delivery of Information Package (always required)	The document(s) that prove that each Information Package was delivered to its intended destination. Refer to section 3.3 for more details.	Must be submitted as 1 PDF file per First Nation and Metis Settlement involved in consultation.	Notification Verification
Record of Consultation (ROC) Log (always required)	A log maintained for each First Nation and Metis Settlement involved in consultation and utilized to record consultation efforts. Refer to section 3.5 for more details.	Must be submitted as 1 PDF file per First Nation and Metis Settlement involved in consultation.	Record of Consultation

³ In cases where proponents have provided information and records to a First Nation and/or Metis Settlement via an online portal, the ACO will still expect to receive a copy of that information/records in accordance with requirements stated in this section .

Document	Description	Requirements/Standards	Document Type (EDS)
Supporting Documents (required, where applicable)	The documents that substantiate or support the entries recorded in a ROC Log. Refer to section 3.5 for more details.	<p>Must be submitted as 1 PDF file per ROC Log submitted. Proponents are advised that</p> <ul style="list-style-type: none"> all supporting documentation submitted should be in chronological order and referenced in the ROC Log (this may include emails, letters, faxes, meeting minutes, additional information sent to First Nations or Metis Settlements, etc); and <u>duplicate emails and/or email chains submitted as part of supporting documentation will not be accepted by the ACO.</u> <p>To see an example of a completed ROC Log, including supporting documentation, refer to the ACO's webpage.</p> <p>For Level 3 projects, proponents will work with a CA to determine which supporting documents should be included in their submission.</p>	Consultation Supporting Doc
Verification of Delivery of ROC Log (required unless acceptable Letter of No Concern is provided)	The document(s) that prove that the ROC Log was delivered to its intended destination (First Nation or Metis Settlement). Refer to section 3.6 for more details.	Must be submitted as 1 PDF file per ROC Log submitted. Proponents are advised that the PDF file submitted must also include the ROC Log Review Letter or equivalent (refer to section 3.6).	Record of Consultation Verification
Letter of No Concern (LNC) (required, where applicable)	A Letter received by a proponent from a First Nation or Metis Settlement indicating that they have no concerns as it relates to the proposed project/activity. Refer to Appendix C for more details.	Must be submitted as 1 PDF file per First Nation and Metis Settlement.	First Nation/Metis Letter of No Concerns

All documents sent to the ACO for review **must be exact copies of the documents sent to the First Nation(s) and/or Metis Settlement(s) involved.** Once the proponent has submitted an Adequacy Assessment Request, they will be unable to make any changes to their file until an ACO representative has reviewed the file.

For **Level 3 - Extensive consultation**, where Bi-monthly reports are required, proponents should contact the Consultation Advisor assigned to their file for submission requirements.

The proponent must follow the naming conventions outlined in the *EDS First Nation Consultation User Manual*. Failure to do so may cause the file to be rejected. When uploading documents within the FNC file, the proponent must ensure that the naming conventions are indicative of the respective documents. All electronically scanned supporting documents must be in PDF format. Scanning must meet the standards indicated in the *EDS First Nation Consultation User Manual*. The ACO does not accept the use of online cloud storage (e.g., Drop Box, Google Drive, One Drive, etc.) for file submission. All documents related to consultation must be provided via EDS (where technological limits are applicable, contact an ACO representative to discuss other options).

Note: It is the proponent's responsibility to ensure all documents meet the stated requirements. Any missing documents or unclear information may prompt the ACO to place the review on hold and request additional information.

4.2 Adequacy Assessment Review

The ACO will review the FNC, including all attached consultation documents, to determine adequacy. In assessing adequacy, the ACO will review: information gathered during the Pre-consultation Assessment information review stage; the proponent's ROC Log, including supporting documents; and any information provided by First Nations and/or Metis Settlements to the ACO. The ACO will consider, at a minimum, if the following questions have been addressed:



- Were all identified First Nations and/or Metis Settlements provided project information and given an opportunity to participate in the consultation process?
 - Did the proponent utilize the official Consultation Contact listing and prescribed methods as directed?
 - Did the proponent request feedback?
 - Where applicable, did the proponent provide follow-up(s)?
 - Did the proponent respond in a reasonable time frame to requests for information?
- Did the proponent provide plain language project-specific information within a reasonable time before approvals were required or before the project was scheduled to start?
 - Did the proponent include all of the content required in a project-specific information package?
 - Did the proponent adhere to the consultation timelines and provide First Nations and/or Metis Settlements with reasonable time for response?
- If the First Nation provided site-specific concerns about how the proposed project may adversely impact their Treaty rights and traditional uses or the Metis Settlement provided site-specific concerns about how the proposed project may adversely impact their members' harvesting or traditional use activities; did the proponent make reasonable attempts to avoid and/or mitigate those potential impacts?
 - If the First Nation or Metis Settlement proposed mitigation measures, did the proponent respond and make a reasonable effort to implement such measures where possible?
 - If the proponent could not satisfy mitigation measures proposed by the First Nation or Metis Settlement, did the proponent offer reasonable alternatives?

- If the First Nation's or Metis Settlement's concerns could not be addressed, did the proponent provide justification and explanation?
- Did the proponent indicate how they intend to mitigate any potential adverse impacts to: the First Nation's exercise of Treaty rights and traditional uses; and the Metis Settlement member's exercise of harvesting and traditional use activities?
 - Did the proponent provide a reasonable amount of information on mitigation measures they proposed to address adverse impacts identified?
 - Was the proponent responsive to First Nations and/or Metis Settlements inquiries regarding mitigation measures (e.g., requests for information, community involvement, implementation timelines, etc.)?

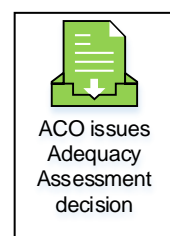
If the consultation is incomplete, the proponent will be advised of this via the EDS or by an ACO representative. Additionally, the ACO representative will outline the deficiencies, and the proponent may be required to carry out further consultation. The proponent will need to resubmit additional documentation when they are confident that the deficiencies have been addressed.

The proponent may choose to cancel either the entire FNC file or the specific FNC sub-numbers of concern (for example, FNC20140000-**001**) to allow the activities deemed adequate (for example, FNC20140000-**002**, FNC20140000-**003**) to proceed. Prior to cancelling any FNC numbers, the proponent is advised to discuss their various options with the ACO representative assigned to the FNC.

Proponents who want to cancel FNC files or FNC activities should refer to the *EDS First Nation Consultation User Manual*. If a proponent decides not to proceed with a proposed activity/project after having initiated consultation, then they are expected to notify all parties involved in consultation and to cancel their file in the EDS.

4.3 Adequacy Assessment Decision

If the ACO deems consultation Adequate, then the adequacy decisions will be provided electronically to the proponent via the EDS system. For activities regulated by the AER, an ACO report will be sent to First Nation(s) and/or Metis Settlement(s) involved in consultation, the AER and the proponent. After consultation has been deemed adequate, the proponent, referencing the FNC number, may proceed through the appropriate regulatory application processes.



Note: Consultation may not be required for activities where consultation already occurred. In making this assessment, the ACO will consider the following factors: was consultation deemed adequate; has the adequacy decision been granted within the last two years; have there been any adjustments to the project's scope or footprint. An adequacy decision that has not been utilized as part of a regulatory application within two years of issuance by the ACO (i.e., date of decision), will cease to be valid after two years and proponents will need to seek a new FNC and decision from the ACO. Proponents may contact the ACO (quoting the FNC) or the ACO staff member involved with their file for clarification.

Appendix A

Consulting Strategically: Consultation on Level 3 Projects, Combined Applications, and Duplication of Consultation Efforts

In an attempt to ensure duplication of consultation efforts do not occur, proponents should consider all future regulatory approvals required when carrying out consultation for combined applications or projects where further associated applications are anticipated.

A carefully planned and thoroughly documented consultation process that is carried out by a proponent for an EPEA, WA, or combined application can ensure that future PLA dispositions associated with a project will not require further consultation. For instance, when requesting a Pre-consultation Assessment for an EPEA approval, proponents are encouraged to list and describe future PLA dispositions that they may require for their project. This may be achieved by directly identifying known PLA dispositions via the “Disposition Type” drop-down list in the EDS or by noting the PLA dispositions in the WA/EPEA form included as part of the Pre-consultation Assessment Request.

When proponents are executing procedural aspects of consultation, they should ensure that First Nations and/or Metis Settlements are thoroughly consulted on any potential PLA dispositions that may be required in the future; this is in order to avoid future consultation on the same activities. When the time comes for proponents to apply for their PLA dispositions (dispositions consulted on during EPEA/WA consultation), they will require an FNC# from the ACO. When submitting their Pre-consultation Assessment Request to the ACO, proponents should reference the previous FNC#. Additionally, proponents should indicate that the FNC# referenced provides evidence that consultation on the dispositions in question occurred previously.

Appendix B

Buffer

The buffer is an area of land surrounding a disturbance's (a disturbance is defined as any *Public Lands Act* disposition) footprint. The buffer area allows for minor adjustments to occur to a disturbance's footprint provided the footprint remains within the buffer area and meets other requirements as stated below.

The purpose of the buffer is to provide proponents with a mechanism that eliminates the need to carry out future consultation due to minor adjustments to a proposed disturbance's footprint. The buffer is intended to account for unknowns that may exist at the time of the ACO's Pre-consultation Assessment, which includes: First Nations' or Metis Settlements' relevant concerns that may arise during consultation, and field obstructions (an unknown variable during design which would prohibit construction in accordance with design drawings (drawings are defined as any visual illustration submitted to ACO for the purposes of informing them of the project footprint)). Changes within the buffer may be permitted only if the following three factors are present: 1) the buffer area was consulted on, 2) consultation was deemed adequate, and 3) the change to the footprint is within the ACO's defined limits.

The buffer is only applicable to disturbances included in consultation and properly identified within the buffer. The buffer is not intended to permit future *Public Lands Act* dispositions to be added within the buffer area.

Buffer Limits: For non-linear disturbances, the ACO may permit a buffer zone that is no greater than 100m from the perimeter of the disturbance's footprint (refer to Figure B1). To account for linear disturbances that may need to move to the other side of an existing utility corridor, the ACO may permit a buffer zone that is no greater than 30m starting from either side of the linear disturbance (inclusive of the proposed disturbance's footprint and the existing linear disturbed corridor, refer to Figure B2). Relocation of a disturbance may be allowed anywhere within the defined buffer area. Expansion of a disturbance's footprint is permitted within the defined buffer; the ACO may allow an expansion that is no greater than 10% (up to a maximum of 0.5 hectares) of the disturbance's total area. Refer to Figure B1 (Buffer: Well Pad and Access Road) and Figure B2 (Buffer: Pipeline) for a visual illustration of both applications of the buffer.

Note: The utilization of a buffer may change the ATS "From" and "To" locations which help guide the ACO in determining which First Nations and Metis Settlements should be consulted.

Utilizing the Buffer: Use of the buffer is optional. The following steps are to be followed only if a proponent chooses to use the buffer.

- Intent to make use of the buffer must be indicated in the Client Remarks section in EDS.
- When submitting a Pre-consultation Assessment Request in EDS, the ATS "From" and "To" locations must include the buffer area (refer to [section 2.1](#) for additional information).
- In the "Activity Area/Distance" field in EDS, only include the total project area and not the additional area for the buffer.
- The buffer area must be appropriately placed on the relevant sketches/surveys/maps submitted in the Pre-consultation Assessment Request.
- The buffer must be noted in the information package sent to each First Nation or Metis Settlement (refer to [section 3.2](#))

- The buffer area must be consulted on. For the most part, the buffer area should be treated as if it's the known footprint of the disturbance, and proponents should inquire with First Nations and/or Metis Settlements to identify any site-specific concerns they may have within the buffer area.
- Record of Consultation Log(s) submitted—including supporting documents—must clearly demonstrate that the buffer area was consulted on.

The Buffer: Pre and Post Adequacy

Scenario 1: Pre-adequacy

If changes to a disturbance's footprint occur prior to consultation being deemed adequate, proponents will need to ensure that the ACO is informed of the changes. Proponents must provide the appropriate sketches, plans, or surveys illustrating the change to the disturbance's footprint (ACO staff must be able to clearly identify the change in footprint) when submitting an Adequacy Assessment Request (refer to [section 4.1](#)). In addition to this, proponents are reminded that their ROC Logs for each community must clearly demonstrate that the buffer area in question has been consulted on.

Upon reception of an Adequacy Assessment Request, the ACO will review all files and determine whether the proponent's consultation has been adequate. If the ACO determines that consultation—including buffer and change(s) within it—is adequate, then the proponent will be notified of this via an auto generated email from the EDS. In such a situation, the proponent will not be required to apply for another FNC# or to carry out any further consultation and may move forward with their application to the AER.

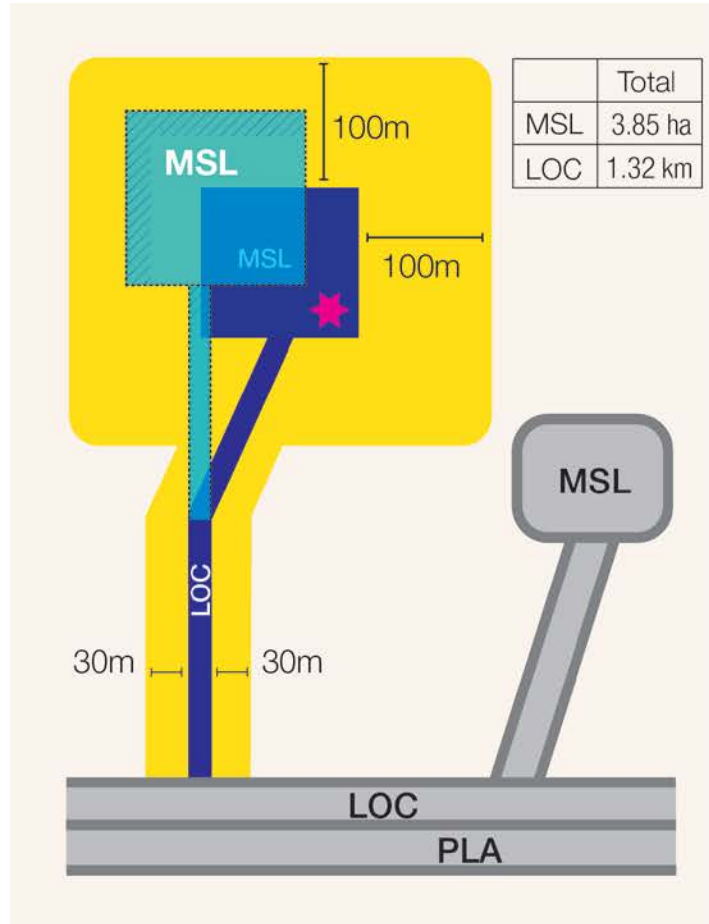
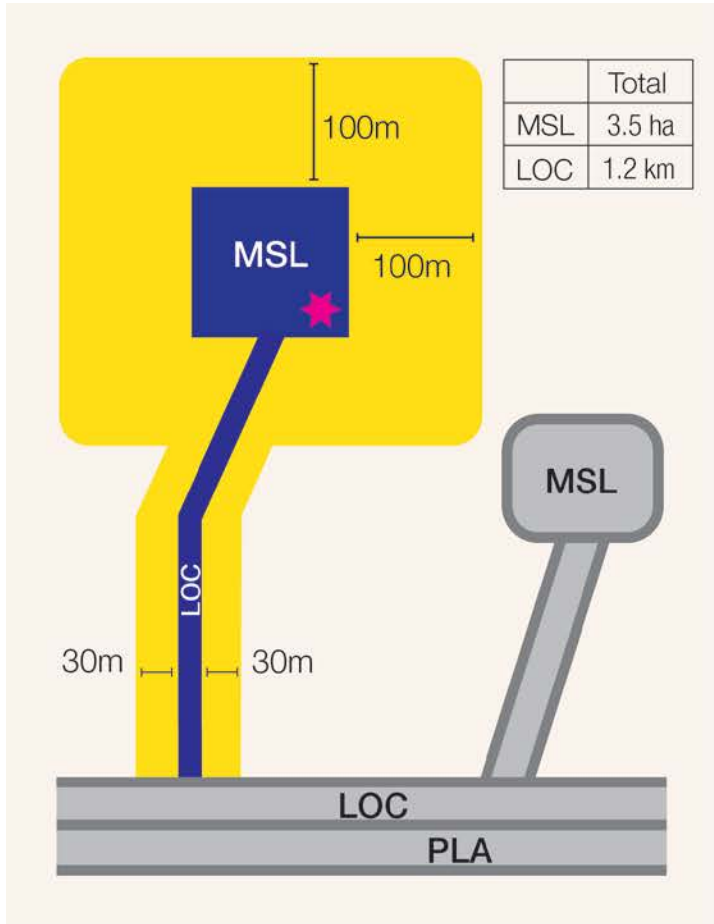
Scenario 2: Post Adequacy (prior to construction)

Changes to a disturbance's footprint that occur after consultation has been deemed adequate must be done in accordance with all buffer requirements noted in Appendix B. Changes to a disturbance's footprint that occur after adequacy may not be subjected to further consultation if 1) buffer area in question was consulted on, 2) consultation was deemed adequate, and 3) the change(s) to the disturbance's footprint are within the ACO's defined limits.

Note: In some instances, as part of the AER's process, proponents may be required to apply for a new FNC# for activities already consulted on within a buffer. In such instances, proponents are advised to reference the previous FNC# as further consultation may not be required (refer to [section 2.1](#)).

Figure B1 (Buffer: Well Pad and Access Road)

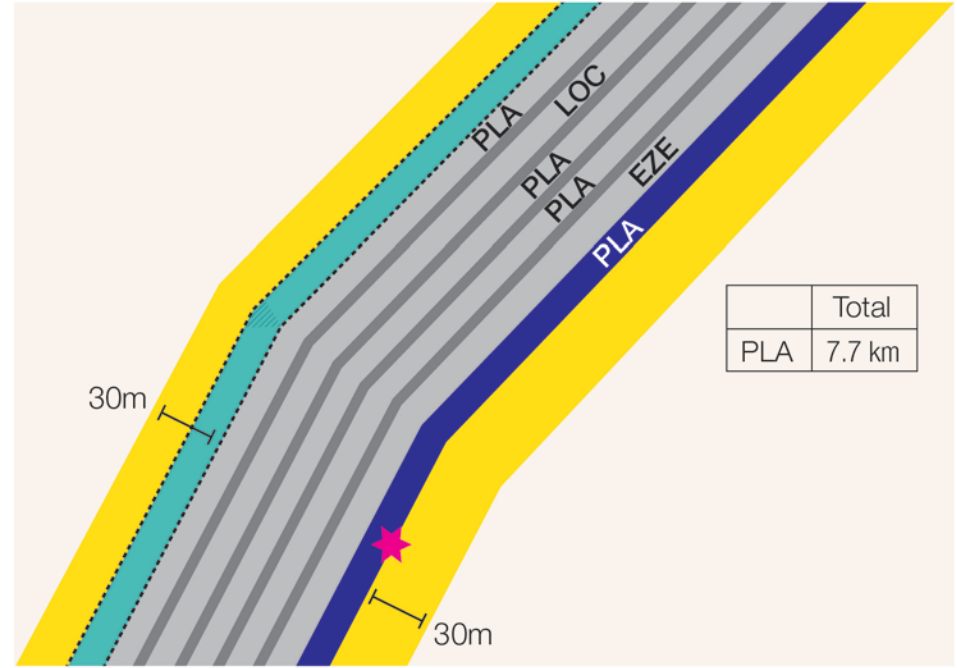
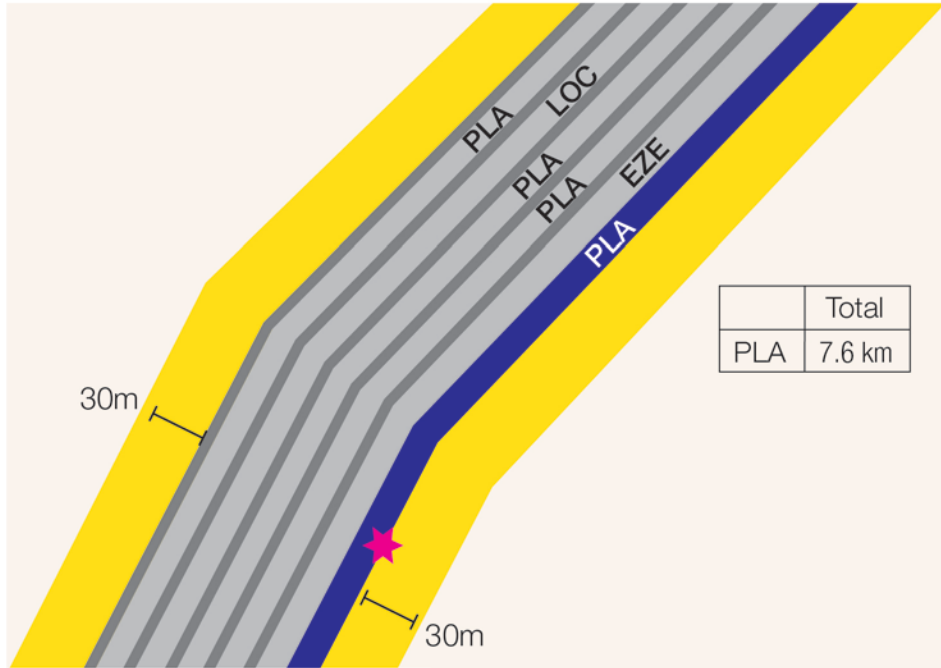
The image on the left illustrates the presence of a buffer around linear and polygonal disturbances. The image on the right illustrates permissible movement and size increase of the proposed disturbances within the buffer area.



-  Site-specific concern
-  Buffer area
-  Proposed disturbance
-  Existing disturbance
-  Permissible shift to disturbance's footprint
-  Permissible expansion of disturbance's footprint

Figure B2 (Buffer: Pipeline)

The image on the left illustrates the presence of a buffer area around a linear disturbance adjacent to an existing utility corridor. The image on the right illustrates permissible movement and size increase of the proposed disturbance within the buffer area.



- ★ Site specific concern
- Buffer area
- Proposed disturbance
- Existing disturbance
- ▨ Permissible shift to disturbance's footprint
- Permissible expansion of disturbance's footprint

Appendix C

Letter of No Concerns

The ACO recognizes that in some cases First Nations and Metis Settlements may not have any concerns with a proposed project that they are being consulted on. In such an event, a First Nations and/or a Metis Settlement may provide a letter to the project proponent indicating that they have no concerns with the project proceeding forward in the regulatory process. Where a proponent submits a Letter of No Concerns (LNC) as a substitute to adhering to all applicable procedural consultation requirements, the LNC must contain the following information:

The ACO will accept Letters of No Concerns in the following formats:

- Letter: The letter must be on the First Nation's or Metis Settlement's official letterhead.
 - If the letter is received from a First Nation, it must be signed by: majority or quorum of Chief & Council (First Nation); or by the First Nation's official consultation contact at that time (as identified in the Consultation Contacts listing located on the ACO's webpage at the time of letter).
 - If the letter is received from a Metis Settlement, it must be signed by: a minimum of three settlement councillors; or by the Metis Settlement's official consultation contact at that time (as identified in the Consultation Contacts listing located on the ACO's webpage at the time of the letter).
- Email: LNC content requirements may be placed in the body of the email. The email must be from the First Nation's or Metis Settlement's official consultation contact (as identified in the Consultation Contacts listing located on the ACO's webpage at the time of the email) and must include an email signature (i.e., name, address, title).
- Consultation Database: Some First Nations and Metis Settlements utilize online consultation databases. Such databases may be utilized to provide project proponents with a Letter of No Concerns. In such instances, a Letter of No Concerns provided via a consultation database must be on the First Nation's or Metis Settlement's official letterhead.

Regardless of format, every Letter of No Concerns must contain the FNC#, proponent's name, project's name and project description (pipeline, MSL, LOC etc.) or legal land description(s).

If there are conditions placed in the LNC, the following criteria will guide proponents in anticipating whether the LNC will, or will not be accepted.

- Conditions that refer to outstanding concerns related to site-specific impacts to Treaty rights and/or traditional uses, or harvesting and/or traditional use activities will not be accepted as a valid LNC.
- Conditions that refer to general concerns (e.g., Out of Scope: decreasing wildlife populations/wildlife management that are not tied to the proposed project, general human population health concerns, general water and air quality concerns, decline in commercial trapping opportunities, and cumulative effects) that are not tied to site-specific impacts to Treaty rights and traditional uses or harvesting and traditional use activities may be accepted as a valid LNC.
- Conditions that refer to the fulfilment of agreements between only the project proponent and the First Nation or Metis Settlement (e.g., Memorandum of Understanding, Impact Benefit Agreements, Guarantees of Contract Work, etc.) may be accepted as a valid LNC.

Note: If the proponent is uncertain as to whether an LNC they received will be accepted, they are advised to contact the ACO.

Appendix D

Consultation Plan Requirements

The following requirements provide guidance regarding the minimum standards required for a consultation plan to be approved by the ACO. At their discretion, proponents may choose to provide a greater level of detail on the proposed project than as required here.

Proponents are not required to provide First Nation(s) and/or Metis Settlement(s) with the consultation plan.

Note: These requirements are subject to change and proponents should ensure they have the latest version of this document through their designated Consultation Advisor or the ACO's webpage.

The consultation plan, at minimum, must include the following items:

- **Project proponent's contact information:** The proponent must provide the company's name and general contact information (e.g., telephone, email, fax, and mailing address). Additionally, the proponent must identify the designated individual(s) that may be contacted for information regarding the proposed project and its associated consultation.
- **List of First Nations and/or Metis Settlements to consult as directed by the ACO:** The proponent must provide a list identifying the First Nation(s) and/or Metis Settlement(s) and the level of consultation as provided by the ACO in the Pre-consultation Assessment.
- **A plain language information package:** The proponent must include the information package that they intend to send to the First Nation(s)/and or Metis Settlement(s) (refer to [section 3.2](#) for information regarding information package requirements).
- **The method(s) of delivery for providing the First Nation(s) and/or Metis Settlement(s) with an information package:** The proponent must list the potential methods of delivery for providing each First Nation and/or Metis Settlement with an information package. The potential methods of delivery must be in compliance with the approved methods of delivery as set out in [section 3.3](#).
- **Method(s) for communicating direct notices to First Nation(s) and/or Metis Settlement(s):** The proponent must list the potential method(s) for communicating direct notices to First Nation(s) and/or Metis Settlements. Potential methods could include, but are not limited to: community postings; advertisements in local newspapers or First Nations' and/or Metis Settlements' newspapers; Face-to-Face meetings with, or presentations to, elected leaders or their delegated representatives.
- **The proposed consultation schedule:** The proponent must include a proposed consultation schedule that outlines potential consultation activities to be carried out with each First Nation and/or Metis Settlement. The proponent must include details regarding potential timelines, contacts, methods of communication, consultation tracking, and any other relevant information regarding the proposed consultation schedule.

- **The reporting procedures for providing status updates to the ACO regarding the progress and outcomes of consultation:** The proponent will be notified by their respective Consultation Advisor as to which method they are required to follow in order to provide status updates (Bi-monthly/ROC Log) to the ACO. The proponent shall, where applicable, provide Bi-monthly reports to the ACO and the First Nation(s) and/or Metis Settlement(s) in question. The assigned Consultation Advisor will provide more information regarding Bi-monthly reports, including the Bi-monthly review process.
- **Specific Concern and Response Table:** For consultation on projects where an EIA report is required, proponents will be required to utilize a Specific Concerns and Response Table (available on [ACO's webpage](#)). This table is to be used in conjunction with the Bi-monthly reports. Proponents will be informed in the Pre-consultation Assessment stage if the Specific Concerns and Response Table must be utilized.

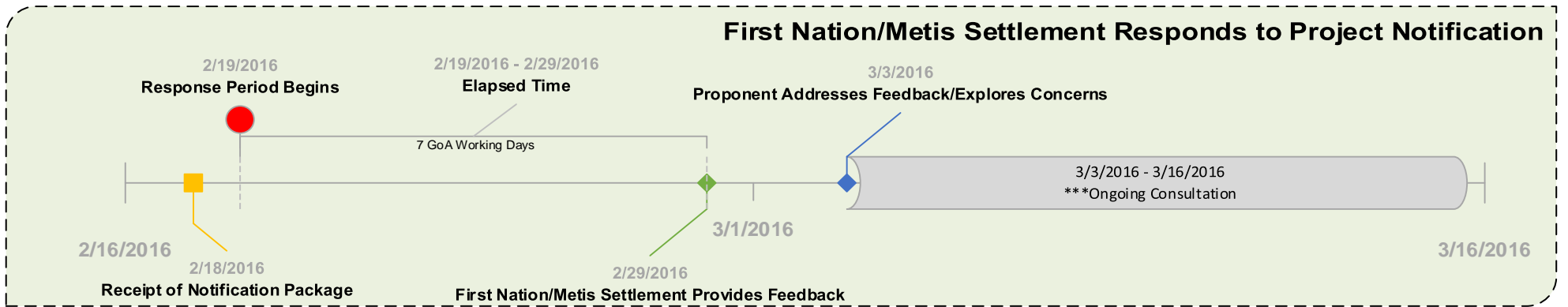
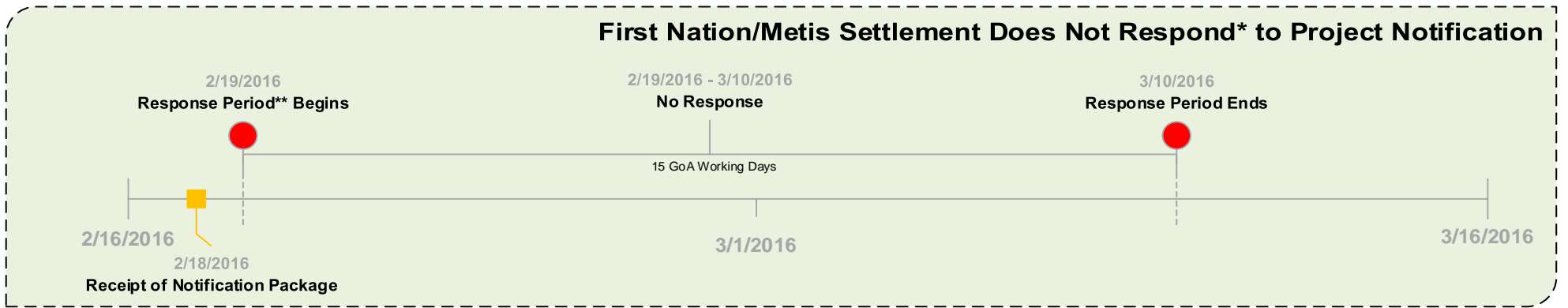
Appendix E

Figure E1 (Level 1 – Follow-up Timelines)

Follow-up Timelines

Level 1- Streamlined Consultation

Legend	
■	Indicates date notification package was received by a First Nation/Metis Settlement
●	Indicates the start or end of a response period
◆	Indicates feedback provided by a First Nation or a Metis Settlement
◆	Indicates an action carried out by a proponent



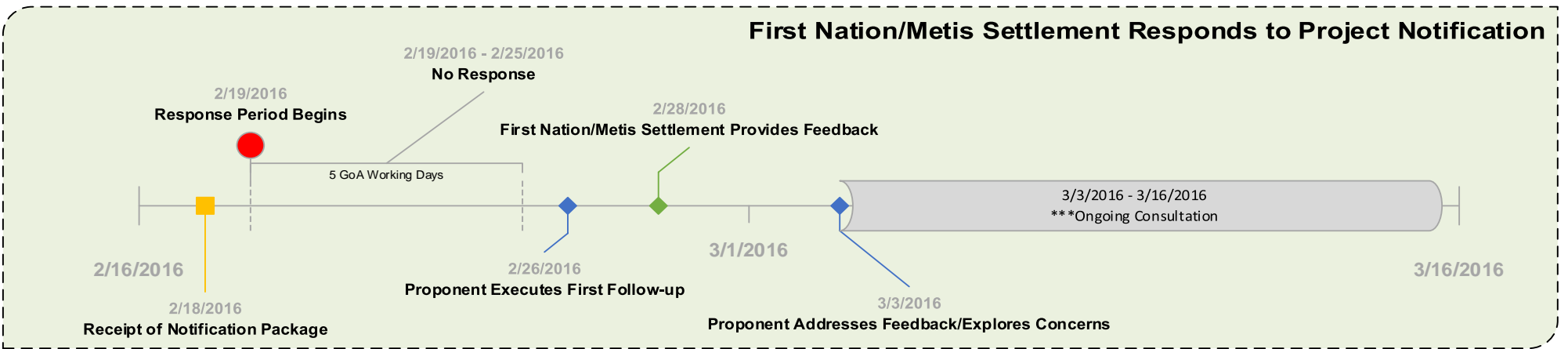
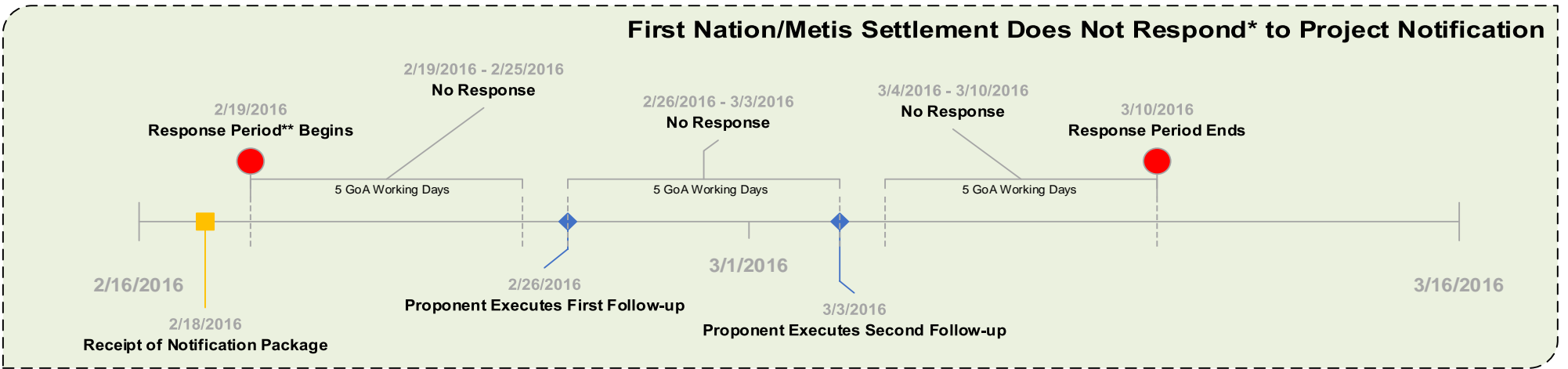
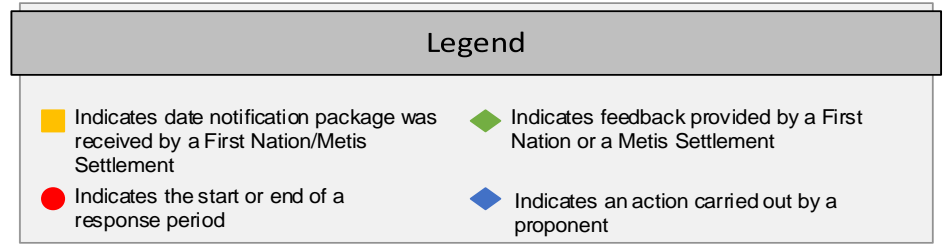
*Acknowledgment of receipt of notification package does not suffice as a response for the purposes of consultation and follow-ups should still take place where applicable (see section 3.4).

**The Notification Period (also known as response period) for Level 1- Streamlined Consultation is 15 Government of Alberta working days. The Notification Period is the time allotted to First Nations/ Metis Settlements to provide their initial response (feedback) to the project notification, it is not to be confused as a timeline for within which all consultation must take place and be completed.

***Ongoing consultation may extend for longer period of time than indicated by the timeline illustrated above.

Figure E2 (Level 2 – Follow-up Timelines)

Level 2- Standard Consultation



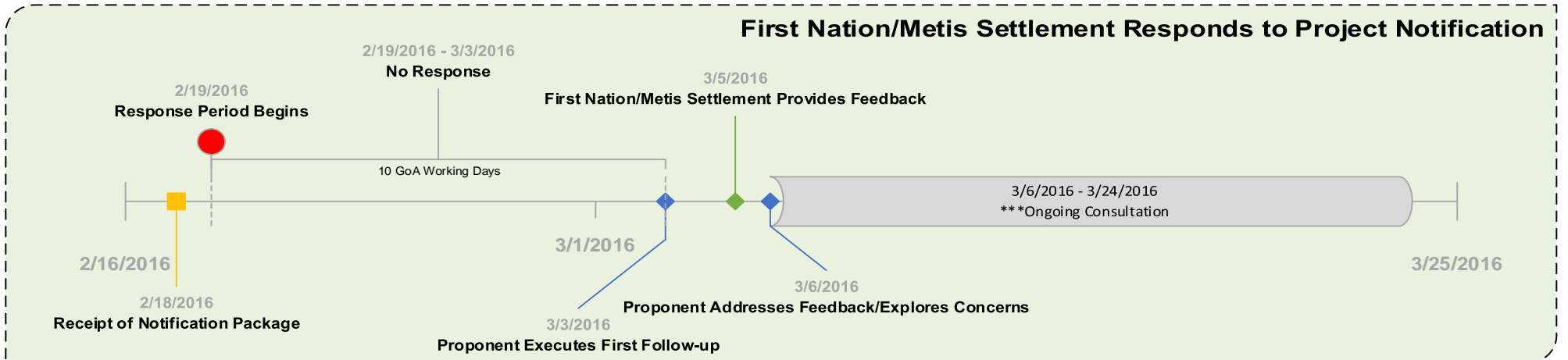
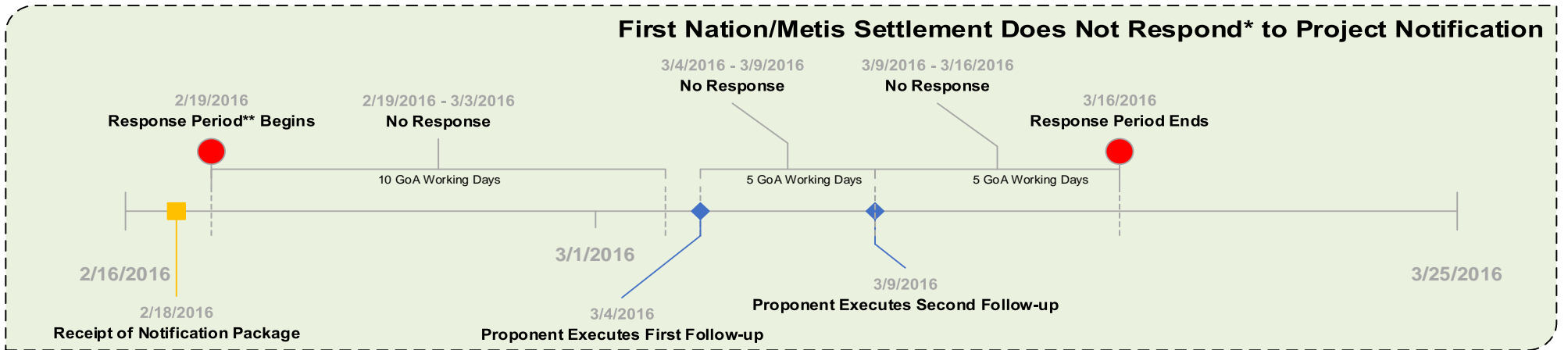
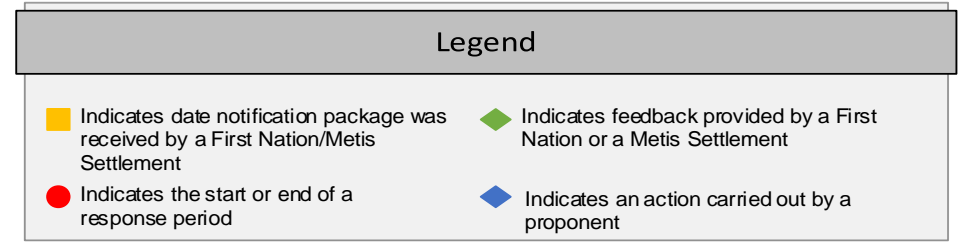
*Acknowledgment of receipt of notification package does not suffice as a response for the purposes of consultation and follow-ups should still take place where applicable (see section 3.4).

**The Notification Period (also known as response period) for Level 2- Streamlined Consultation is 15 Government of Alberta working days. The Notification Period is the time allotted to First Nations/ Metis Settlements to provide their initial response (feedback) to the project notification, it is not to be confused as a timeline for within which all consultation must take place and be completed.

***Ongoing consultation may extend for a longer period of time than indicated by the timeline illustrated above.

Figure E3 (Level 3 – Follow-up Timelines)

Level 3- Extensive Consultation



*Acknowledgment of receipt of notification package does not suffice as a response for the purposes of consultation and follow-ups should still take place where applicable (see section 3.4).

**The Notification Period (also known as response period) for Level 3- Streamlined Consultation is 20 Government of Alberta working days. The Notification Period is the time allotted to First Nations/ Metis Settlements to provide their initial response (feedback) to the project notification, it is not to be confused as a timeline for within which all consultation must take place and be completed.

***Ongoing consultation may extend for a longer period of time than indicated by the timeline illustrated above.

