

# Chapter 6.1

## Completing Application Information Details: Consultation & Notification

### 6.1 Requirements for Consultation and Notification Regulation

Consultation and Notification (C&N) is required as part of the application process and is intended to promote communication and collaborative engagement between proponents, land owners and rights holders prior to application submission. Applicants are encouraged to adopt industry's best practices and assist in the avoidance or mitigation of any potentially adverse impacts.

Submission of an application for an energy resource or associated activity must include additional application deliverables specific to consultation and notification. The required consultation and notification vary based on the planned activity and location of activity.

The consultation and notification tab in AMS requires specific application information details. This section includes an overview of consultation and notification, guidance regarding consultation and notification, details related to consultation and notification requirements and detailed instructions for completing the data fields within the consultation and notification tab.

Details of applicant's responsibilities to comply with ERAA and all regulations, including the Requirements for Consultation and Notification Regulation (RCNR), are discussed in Chapter 1 of this manual. In addition to the requirements listed in this section, Regulator staff may request additional information where necessary to facilitate review of the application.

**Please Note:**

This manual is written as a whole and provided to industry in sections to allow permit holders to access activity chapters. It is prudent of the permit holder to review the manual in its entirety and be aware of the content in other sections of the manual.

**Regulatory Requirements**

The [Energy Resource Activities Act](#) (ERAA) and the [Requirements for Consultation and Notification Regulation](#) (RCNR) require energy resource applicants to conduct formal consultation and/or notification with recipients prior to submitting an application for an activity. Refer to the definition of an “applicant” in Part 1 and persons prescribed in Part 2, Division 1 and 2 of the RCNR to determine whether consultation and notification is required as part of the application.

**Additional Guidance**

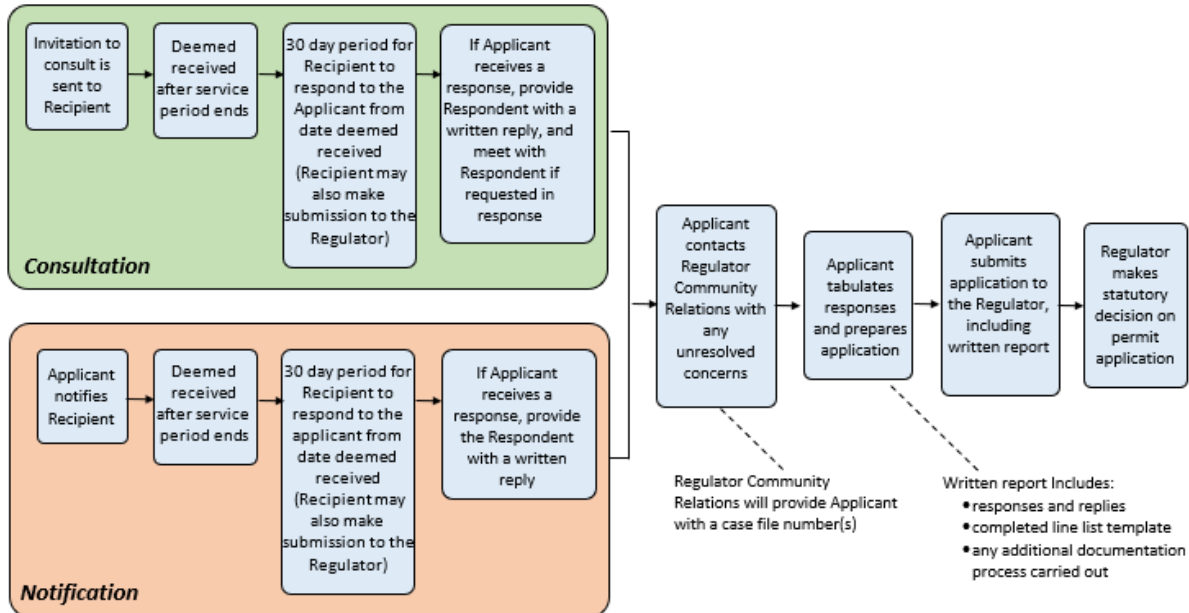
The [Land Owner Information Guide](#) for Oil and Gas Activities in British Columbia describes petroleum, natural gas, and geothermal exploration, development, and production with respect to rights and interests surrounding proposed and permitted energy resource activities on or near private or Crown land. The guide explains the life cycle of energy resource activities, from what to expect during pre-activity application requirements such as the consultation and notification process, through the construction of access roads, well sites, facilities and pipelines, to final site restoration.

The [BC Registered Trapper and Petroleum Industry Agreement on Notification and Compensation](#) is a useful tool for industry and trappers and sets out guidelines for reasonable compensation for both parties.

## 6.1.1 Consultation and Notification Overview

The consultation and notification processes are similar since both provide a formalized engagement; however, the difference in obligation between the two generally arises from proximity to proposed energy resource activities. Consultation recipients are typically closer and as such, the consultation process provides the opportunity for discussion between the applicant and the recipient. The steps in the consultation and notification process are outlined in Figure 6-A below.

Figure 6-A Consultation and Notification Process Steps



## Consultation

Consultation is the exchange of information regarding proposed energy resource activities between applicants and recipients within the consultation distance. It begins when an Invitation to Consult is sent from an applicant.

## Notification

Notification provides written information regarding proposed energy resource activities to recipients within the identified notification distance. Where consultation is conducted with recipients, notification is not required.

**Please Note:**

Notification requirements specific to fixing the site of a pipeline are indicated in Section 23 (3) of ERAA and Section 23 of the Requirements for Consultation and Notification Regulation (RCNR) and detailed in Section 4.2 of the pipeline section of this manual.

**Who Must Provide Consultation or Notification?**

Any person or company intending to submit an application to the Regulator that meets the definition of an applicant in the Requirements for Consultation and Notification Regulation (RCNR), including those prescribed in Section 3(1) of the RCNR, must carry out the prescribed consultation or provide the prescribed notices, according to the RCNR prior to submission of the application.

The RCNR does not apply to stand-alone related activities as defined under ERAA. Specific information regarding rights holder engagement for related activities on Crown land (associated activities and/or CER activities) is reflected in Section 6.2 of this manual.

Where an application includes a primary activity and a related authorization, consultation and notification must be done for the entire development, not just the primary activity. The material provided in the invitation to consult and/or notice documents must include all proposed activities, not just the primary activity.

The applicant must provide notification to the land owner on whose land the activity is proposed under Section 22 (2) of ERAA (for initial applications) or Section 31 (1) of ERAA (for amendment applications), or as otherwise noted in specific circumstances, outlined in Section 31 (1.1) of ERAA.

Some exemptions from land owner notification can be granted. Refer to Section 6.1.12 of this manual for information regarding exemptions from consultation and notification requirements.

**Please Note:**

If an applicant offers C&N, by choice or inadvertently, the prescribed process must be followed.

## 6.1.2 Land Owners and Rights Holders

### Land Owners

A land owner is:

- a person registered in the land title office as the owner of the land surface or as its purchaser under an agreement for sale; or
- a person to whom a disposition of exclusive use (lease, rental of property, or outright sale) of Crown land has been issued under the Land Act.

A land owner is not the Government, or a person who holds a Licence of Occupation for non-intensive occupation and use of Crown land.

### Rights Holder

A rights holder is a person granted non-intensive occupation, use of or other rights over Crown land by permit, licence, or approval. Further information specific to rights holders is detailed in Section 6.2 of this manual.

If any level of government holds a tenure such that it would qualify as a rights holder, the respective agency would be consulted, not as government, but as a rights holder. Tenures that qualify entities as rights holders include:

- Licence under Section 39 of the Land Act.
- A community forest agreement, first nations woodlot license, forest licence, timber license, timber sale licence, tree farm licence, or woodlot licence under the Forest Act.
- A forestry licence to cut under the Forest Act, if the licence is a major licence.
- A permit for geothermal exploration, a lease or a well authorization under the Geothermal Resources Act.
- A grazing permit or grazing licence under the Range Act.

- A guide outfitter's licence for Crown land, guiding territory certificate for Crown land or a registered trapline under the Wildlife Act.
- A claim under the Mineral Tenure Act.
- A conditional or final water licence under the Water Sustainability Act.

### Please Note:

Provincial and Federal government agencies are not considered rights holders under ERAA. Applicants are not obligated to engage agencies in advance of an application to the Regulator; however, applicants are encouraged to advise the Regulator of any Land Act Map Reserves or Resource Features (as defined in the EPMP) as early as possible, even prior to submitting an application to the Regulator, to allow the Regulator to consider and facilitate any required engagement with other government agencies and avoid delays in application processing. It should be noted that any proposed activities on federal Crown land will require consultation with the relevant Federal government department/agency as per Section 6 or 8(b) of the Requirements for Consultation and Notification.

## Representation Agreements

In some cases, recipients may designate an individual or agency to communicate on their behalf in the consultation and notification process. The Regulator needs to be satisfied that the legal recipient of consultation / notification, as documented in Divisions 2 and 3 of the RCNR, has designated someone else to communicate on their behalf in the process. Letters designating representation need to be addressed to the Regulator, signed by the official recipient, name the designate, and may also give direction on the parameters of the representation (e.g. only for this application, only for this time period, for all matters related to ERAA).

Letters must be provided for each application – the Regulator will not keep a record of representation for use on different files.

For Power of Attorney the Regulator requires a copy of the legal document as there are specific parameters on documents, such as restrictions and timelines.

## 6.1.3 Determining Obligations to Consult or Notify

Obligations to carry out consultation or notification are prescribed in the RCNR, and are based on proximity to the proposed activities and other factors, such as

presence on an area subject to the right of a rights holder, or the presence of a residence or structure within the consultation or notification zone.

The table and diagrams on the following pages outline a series of tests to determine a potential applicant's obligations to notify or consult. Table 6-A is intended to highlight the different factors which create obligations to notify or consult among the various persons and entities identified in the Requirements for Consultation and Notification Regulation. Figures 6-B through 6-E illustrates examples of the application of the consultation and notification tests.

**Table 6-A: Notification or Consultation**

Person / Entity	Test for Obligation to Provide Notification	Test for Obligation to Provide an Invitation to Consult	Exclusions
Land owner 6	Land owner of land on which activities are planned.	Land owner of land on which activities are planned.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Local Authority 8(1)(a), 11(1)(a)	All or part of a structure owned by the local authority is within an applicable notification distance  Consultation can be provided instead.	All or part of a structure owned by the local authority is within an applicable consultation distance.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Government of Canada 8(1)(b), 11(1)(b)	All or part of a structure owned by the government of Canada is within an applicable notification distance.  Consultation can be provided instead.	All or part of a structure owned by the government of Canada is within an applicable consultation distance.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
First Nations 8(1)(c), 11(1)(c)	All or part of the First Nation's reserve is located	All or part of the First Nation's Indian reserve is located within the	Consultation is not applicable to geophysical activities, as there is no

**Table 6-A: Notification or Consultation**

Person / Entity	Test for Obligation to Provide Notification	Test for Obligation to Provide an Invitation to Consult	Exclusions
	within the applicable notification distance.  Consultation can be provided instead.	applicable consultation distance.	prescribed consultation distance for geophysical activities.
Person / Registered land owner 8(2)(a-c), 11(1)(d)	All or part of the land is located within an applicable notification distance.  Consultation can be provided instead.	All or part of: a residence the person occupies, a structure the person uses for livestock, or a school or related structure owned by the person is located within the applicable consultation distance.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Person who has entered into agreement with land owner to lease or rent a residence or a structure used for livestock on the land 8(1)(d)		All or part of a residence or structure is within the applicable consultation distance.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.

**Table 6-A: Notification or Consultation**

Person / Entity	Test for Obligation to Provide Notification	Test for Obligation to Provide an Invitation to Consult	Exclusions
Rights Holders 7(a),(b); 10(a),(b)	The proposed activities are to be carried out on an area subject to a right of the rights holder, and the	The proposed activities are to be carried out on an area subject to a right of the rights holder, and it is known to the applicant the ability of the rights	Consultation is not applicable to geophysical activities, as there is no prescribed consultation



Table 6-A: Notification or Consultation

Person / Entity	Test for Obligation to Provide Notification	Test for Obligation to Provide an Invitation to Consult	Exclusions
	applicant has not provided an invitation to consult  Consultation can be provided instead.	holder to exercise their right will be directly and adversely affected by the proposed activities.	distance for geophysical activities.
Ministry of Transportation and Infrastructure 9(a-b)		A <b>pipeline</b> proposed within the municipality and within the right-of-way of an arterial or municipal highway, and is to be used for transporting petroleum, natural gas or both, or water associated with activities performed in relation to petroleum, natural gas, or both.	Only applicable to pipelines.
Municipal Council 9(a-b)		A <b>pipeline</b> proposed within the municipality and within the right-of-way of an arterial or municipal highway, and is to be used for transporting petroleum, natural gas or both, or water associated with activities performed in relation to petroleum, natural gas or both.	Only applicable to pipelines.
Person who holds a conditional or final licence under the Water Sustainability Act with respect to the	All or part of a known community watershed is established or continued under the Act and is located within an applicable notification distance  Consultation can be provided instead.	The proposed activities are to be carried out on an area subject to a right of the rights holder, and it is known to the applicant the ability of the rights holder to exercise their right will be directly and adversely affected by the proposed activities.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.

**Table 6-A: Notification or Consultation**

Person / Entity	Test for Obligation to Provide Notification	Test for Obligation to Provide an Invitation to Consult	Exclusions
community watershed 11(2)(a)			
Person who holds a construction permit or operating permit under the Drinking Water Protection Act with respect to the community watershed 11(2)(b)	All or part of a known community watershed is established or continued under the Act and is located within an applicable notification distance.  Consultation can be provided instead.	The proposed activities are to be carried out on an area subject to a right of the rights holder, and it is known to the applicant the ability of the rights holder to exercise their right will be directly and adversely affected by the proposed activities.	Consultation is not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.

Notification is not required to be sent to a landowner to whom was given notice under Section 22(2) or 31(1) of the Act with respect to the same application, or to a person who was provided with an invitation to consult.

## Please Note:

Tree Farm Licence and Forest Licence holders require an Invitation to Consult if the proposed activities are to be carried out on an area subject to a right of one of these licence holders. Thus, the Invitation to Consult is only required if the proposed activity intersects an area where the licence holder holds a cutting permit and the cutting permit area has not been harvested.

**Figure 6-B: Consultation and Notification Test**

**Linear Proposals 1 – Pipelines, energy resource roads and geophysical exploration in relation to private land parcels with RCNR references.**

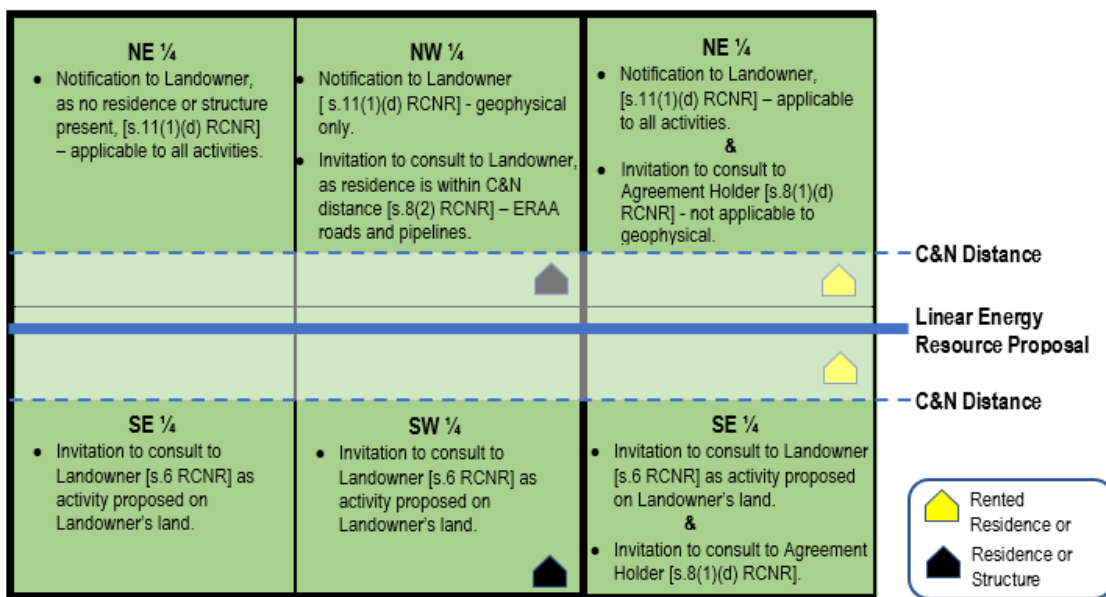


Figure 6-C: Consultation and Notification Test

**Linear Proposals 2 – Pipelines, energy resource roads and geophysical exploration with RCNR references.**

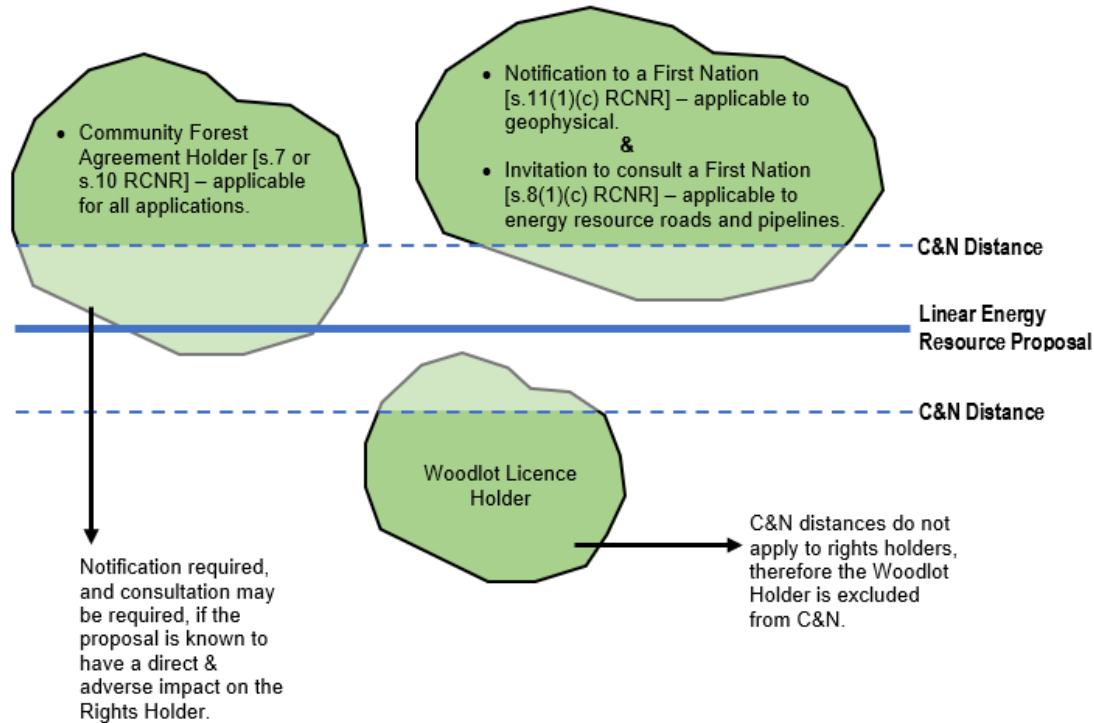


Figure 6-D: Consultation and Notification Test

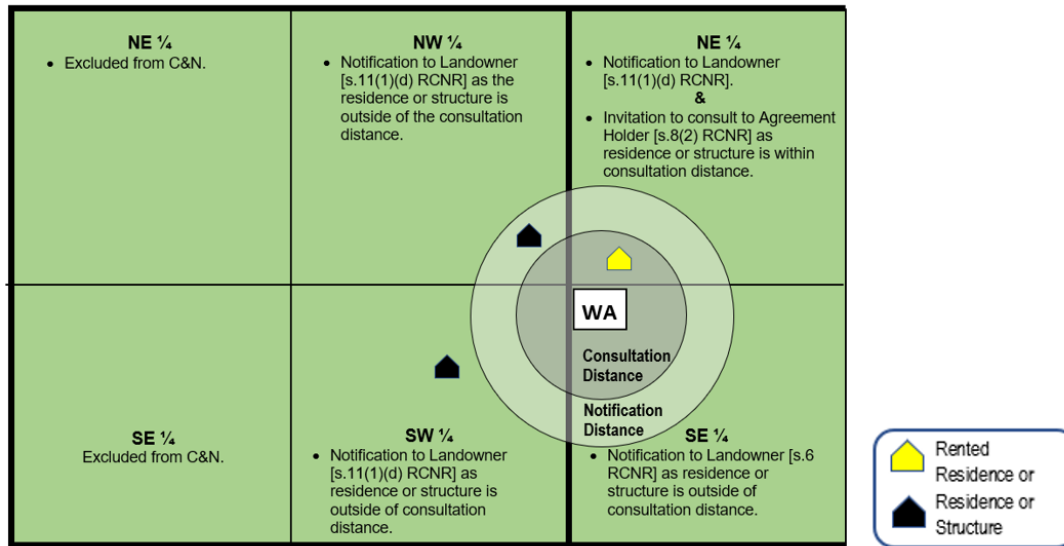
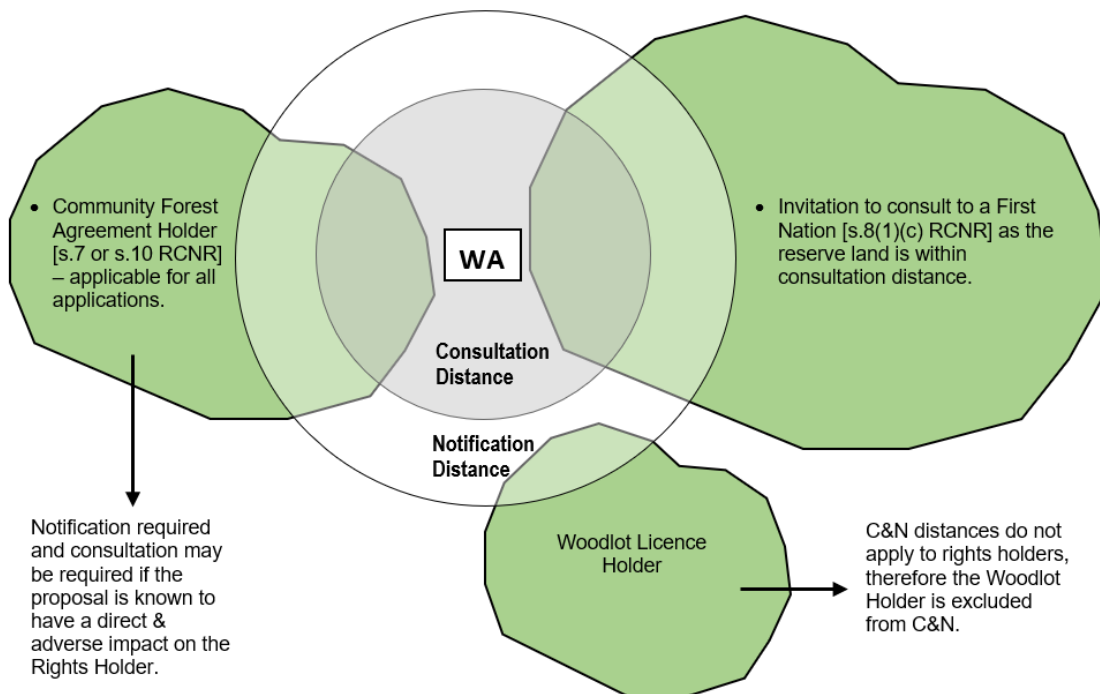


Figure 6-E Consultation and Notification Test



## 6.1.4 Calculating Consultation and Notification Distances

Minimum distances have been set for consultation and notification associated with specific activities in the RCNR, Section 17. Distances are measured horizontally from:

- Centre point of a facility area or wellsite
- Centre line of the right-of-way of a pipeline, energy resource road right of way, or seismic line.

For each category of activity, there is a minimum distance where notification or consultation is required, as outlined in Table 6-B and illustrated in Figures 6-G and 6-H.

Where an application includes a construction corridor and the applicant wants the flexibility to move the activity footprint anywhere within the corridor, consultation and notification distances must be measured from the outer edge of the corridor.

Where an application includes both a primary activity and a related authorization, consultation and notification must be done for the entire development, not just the primary activity. The content and material provided in the invitation to consult and/or notice documents must include reference to all activities, not just the primary activity.

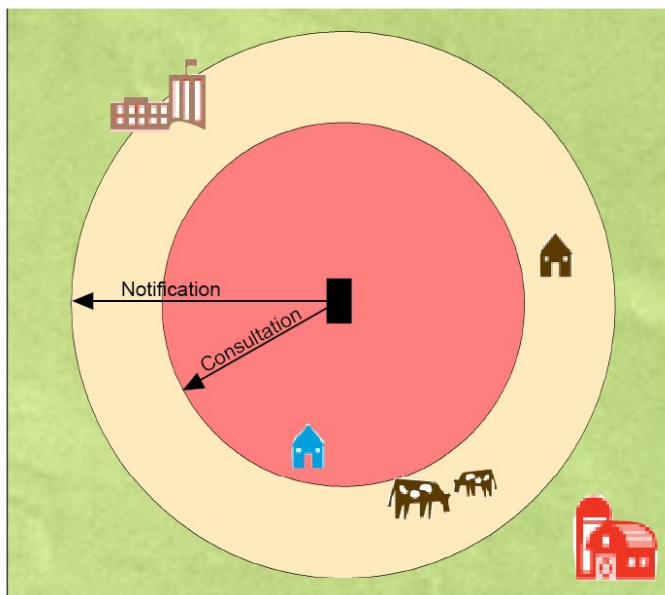
Table 6-B below makes reference to distances in the Consultation and Notification Regulation.

**Table 6-B: Consultation and Notification Distances for Energy Resource Activity as per s.17 of the RCNR**

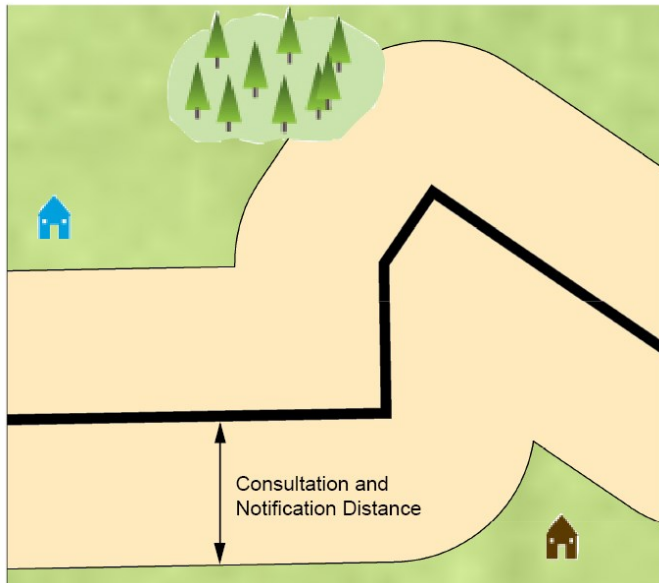
Energy Resource Activity	Consultation Distance	Notification Distance
LNG facility, petroleum refinery, manufacturing plant, gas processing plant that is a Class C natural gas facilities and not subject to an environmental certificate	3,300 metres	3,300 metres

Energy Resource Activity	Consultation Distance	Notification Distance
Facilities not listed above and have a facility area or wellsite measuring less than 5 hectares.	1,000 metres	1,500 metres
Facilities not listed above and have a facility area or wellsite measuring equal to or more than 5 hectares.	1,300 metres	1,800 metres
Wellsite measuring less than 5 hectares	1,000 metres	1,500 metres
Wellsite measuring greater than or equal to 5 hectares.	1,300 metres	1,800 metres
Pipeline	200 metres	200 metres
Energy Resource Road	200 metres.	200 metres.
Geophysical	Not applicable	400 metres.

**Figure 6-G: Illustration of Consultation and Notification Distances Surrounding a Well or Facility.**



**Figure 6-H: Illustration of Consultation and Notification Distances Along a Pipeline**



## 6.1.5 Information For the Recipient

### Documentation Requirements

#### Notification

Notification packages to recipient(s) must include the information listed in Section 19 of the RCNR.

The prescribed descriptions in Section 19(3) (a) to (e) ) must also include:

- All legal locations potentially impacted by the contemplated activities must be noted, including cases where a project may be carried out on an area covering more than one legal location, but owned by the same land owner.
- For multi-activity permits, including multi-well pads, describe the entire anticipated schedule of activities over various years, where applicable.

Consultation and notification template examples are provided as guidance regarding the required content of notices and invitations to consult under the Requirements for Consultation and Notification Regulation (RCNR). Refer to Examples #1 through #4, which can be found [here](#).



Example #1: RCNR Section 19 and Section 20: consultation for a wellsite, road and borrow pit.

Example #2: RCNR Section 19 and Section 20: consultation for a pipeline, road and temporary workspace.

Example #3: RCNR Section 19: notification for a wellsite, road and borrow pit.

Example #4: RCNR Section 19: notification for a pipeline, road and temporary workspace.

The following points should be considered when drafting a notification or consultation letter.

RCNR:

- The definition of “Proposed Activities” refers to ERAA activities.
- Anticipated vehicle traffic on energy resource roads means traffic on energy resource roads (ERAA roads) within the consultation distance that are not the proposed road (if any).
- “Ancillary activities” refers to activities, the carrying out of which are required for the purpose of carrying out energy resource activities. Ancillary activities may also be “related activities” as defined in ERAA and referenced in Section 19(3)(c) of the RCNR.
- Section 20(2) of the RCNR requires information for each phase. The 2 phases indicated in the consultation letters are suggested based on common practice. This applies to consultation letters only.
- Section 20(2)(b)(i) of the RCNR requires a description of reasonably foreseeable noise, dust, light and odours. In cases where any of these would not be expected, it is suggested to include that information for each phase. This applies to consultation letters only.
- Section 20(2)(b)(ii) of the RCNR requires a description of traffic on energy resource roads within the consultation distance. It is suggested to also include traffic associated with the activities that is outside of these parameters, such as a preferred traffic route if applicable. This applies to consultation letters only.
- Include the Regulator’s mailing address and/or email address (BC Energy Regulator Bag 2 Fort St. John, BC V1J 2B0 ([WrittenSubmissions@bc-er.ca](mailto:WrittenSubmissions@bc-er.ca))) for the recipient to make a written submission to the Regulator.

**Please Note:**

Consultation and Notification maps must be at an appropriate scale to show clearly the activities in relation to dwellings, facilities and nearby urban centers.

**Consultation**

In addition to the information required to be included in a notification package, an invitation to consult must also include the content outlined in Section 20 of the RCNR.

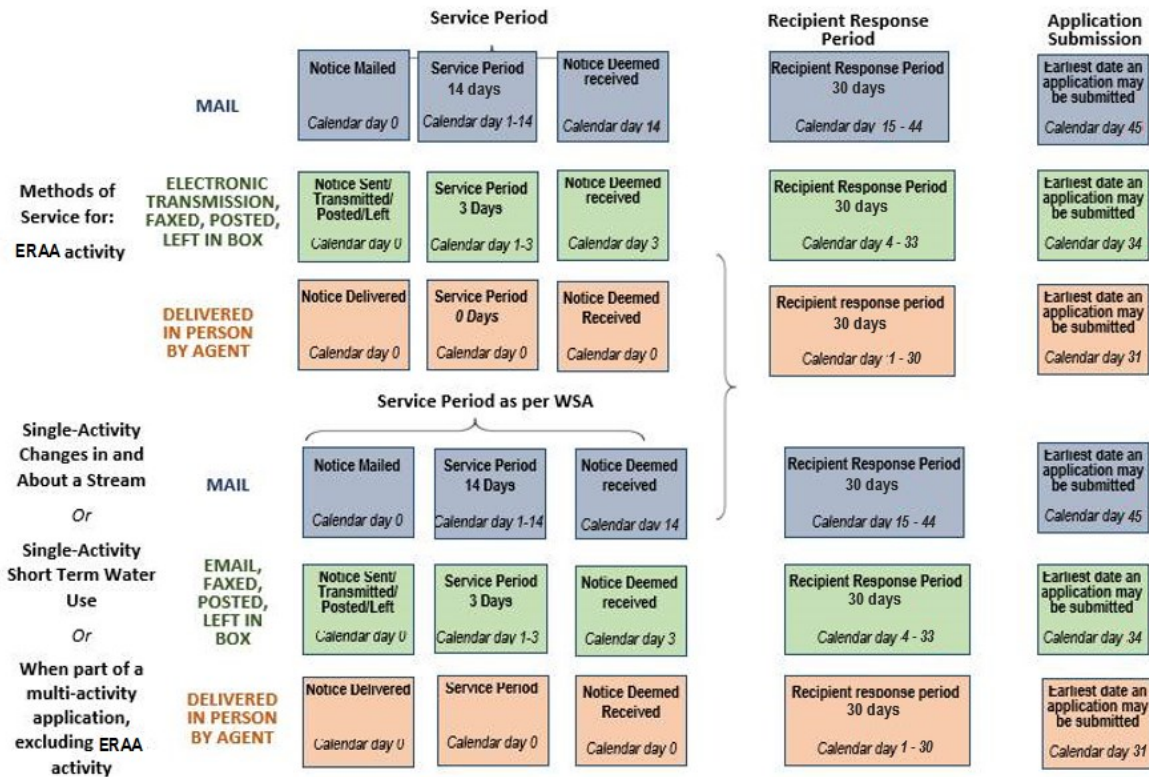
## 6.1.6 Consultation and Notification Timelines

Applicants must carry out the prescribed consultations and notification while budgeting for appropriate timelines and taking into consideration delivery methods. Applicants must provide recipients a 30-day review and response period. All documentation must follow the methods of service set out in the [Service Regulation](#) or Section 79(1) of ERAA.

Figure 6-I shows graphically the timeline for service period and response period to determine consultation and notification timelines.

**Figure 6-I : Using Service Period and Response Period to determine consultation and notification timelines for new applications.**

Where the last day of the recipient response period falls on a statutory holiday, the response period will be extended to the next day that is not a statutory holiday.



## Consultation and Notification Activity Complete

The obligation to notify or consult is fulfilled as prescribed in Section 19 and 20 of RCNR, respectively. An application can be submitted:

- The day after the thirty day response period, after the last required notification or consultation was deemed received, or
- Prior to 30 days if:
  - All respondents indicate they have no concerns or (if applicable) are not requesting a meeting. Letters of non-objection from all respondents confirming this need to be provided in the application.

- All respondents withdraw all concerns or (if applicable) a request for a meeting. Letters of non-objection from all respondents confirming this need to be provided in the application.
- An exemption from C&N timelines is granted by the Regulator.

There are no further obligations for C&N if no written responses are received.

If a written response is received following the prescribed response period, the applicant has no obligation under the RCNR to provide a written reply or schedule a meeting. However, the Regulator recommends that applicants make best efforts to address and resolve concerns with affected land owners and rights holders. The Regulator will consider any written submission made respecting an application.

## Letters of Non-objection

A letter that signifies there are no concerns with a proposed project is referred to as a letter of non-objection. RCNR section 22(3)(a) enables the proponent to apply to the Regulator earlier than 30 days if they have received this from all parties who have been provided consultation or notification. Letters of non-objection do not require a reply.

It is not a “non-objection” if there are additional comments that note concerns or things the recipient would like the applicant to do; those are considered written responses and, if such correspondence is received by the applicant within the 30 day engagement window, a written reply is required.

### Please Note:

If a respondent withdraws all concerns or (if applicable) a request for a meeting, this is not the same thing as a waiver allowing construction to commence prior to the 15 day waiting period outlined in ERAA Section 25(6).

## Major Changes

If there is a major schedule change for energy resource activities, or the permit holder decides not to carry forward a planned energy resource activity, all recipients should be notified of the change.

## 6.1.7 Replying to Respondents

Recipients of consultation or notification with interests in or concerns about a proposed energy resource activity may provide a written response to the applicant or the applicant's designated contact. If a written response is provided within the 30 day response period, the recipient is then referred to as a respondent.

Respondents may detail concerns and any proposed recommendations for mitigation. If the response is received before or within the 30 day consultation and notification response period the applicant must reply, in writing, as soon as practicable. The obligation to notify or consult, and thus the ability for the applicant to submit the application, is not met until the last written reply has been sent.

The applicant's written reply must contain all of the relevant provisions outlined in Section 21 of the RCNR, as applicable.

Where a written response to an invitation to consultation includes a request for a meeting, the applicant must make reasonable efforts to meet with the respondent in a timely manner and provide a summary of the meeting in the written reply which will be uploaded to the Regulator with the application. If reasonable efforts have been made to schedule the meeting and the 30 day response period has elapsed without the meeting being scheduled, the application may be submitted along with a detailed explanation of the efforts made to schedule a meeting. The written reply must also include:

- A description of any revisions, if any, based on the concerns
- A statement that the written response and written reply will be included in the application to the Regulator
- If the application is for a new (ERAA section 24) application, a statement that the respondent may make a submission to the Regulator

Recipient concerns, proposed recommendations for mitigation and meeting requests are tracked. Applicants should consult the RCNR to ensure all prescribed statements are correct and included.

The Regulator provides the required RCNR Line List template for applicants to use for all correspondence records. The completed RCNR Line List along with recipient written responses and replies must be included in the application

submission as part of the written report (detailed in Section 6.1.10 of this manual).

## 6.1.8 Written Submissions to Regulator

In addition to the consultation and notification processes, Section 22 (5) of ERAA conveys the right for anyone with an interest or concern about a proposed activity and/or its proposed location to make a written submission. While not required, a Written Submission Form is recommended and available on the Regulator's website or directly from the Regulator.

Written submissions are made directly to the Regulator, can happen at any time in the application process, and may be made by any person. This differs from recipient requirements and written responses which are specific to consultation and notification and have clear guidelines and timelines. The Regulator forwards written submissions to applicants, along with a Case File Number. Where received prior to application submission, the Case File Number must only be referenced on the Line List when concerns remain unresolved at the time of application submission. The applicant is not required to reply, however may be encouraged to respond in order to assist in resolution of issues. Completed Written Submission Forms are sent by email to: [WrittenSubmissions@bc-er.ca](mailto:WrittenSubmissions@bc-er.ca), or submitted directly to the Regulator's Fort St. John or Dawson Creek offices.

### Unresolved Concerns

To ensure decisions are made with full knowledge it is important that any concerns that remain unresolved at the time of application submission, including those outside the Regulator's regulatory jurisdiction (e.g. access and compensation), are noted as unresolved concerns in the RCNR Line list. It is also important to note if concerns were raised and responded to verbally; these should also be included in the RCNR Line list for the application.

### Case File Numbers

Case file numbers must be referenced on the RCNR Line List in applications when Written Submissions have been received and the concerns with respect to the proposed activities remain unresolved.

If a written submission is received by the Regulator, the applicant will be provided with the assigned case file number. If the application has been submitted the case file

number can be used for reference but will need to be used in an updated line list should there be a revision.

If there are outstanding concerns, applicants should contact the Community Relations department well in advance of submitting an application to obtain case file numbers, when required. Case file numbers will be provided to the applicant upon receipt of the following information:

- a copy of the notification and the map sent to the recipient;
- the written responses and replies exchanged during the consultation and notification timeline; and
- the name, contact information, and recipient type for those with unresolved concerns.

If there is no documentation identifying unresolved concerns and mitigating actions, a brief summary noting verbal exchanges is required.

One case file number will be assigned per land owner or rights holder, per application. It is important to note that case file numbers are not interchangeable or reusable. If a case file number has been provided to the applicant and is not used (e.g. if issues are resolved prior to submitting the application), please advise Community Relations and the case file number will be cancelled.

Case file numbers should not be referenced on the RCNR Line List when concerns regarding the proposed activities have been resolved. If the concerns have been resolved, applicants should indicate “no” on the RCNR Line List and contact the Community Relations Department to cancel the case file number.

## 6.1.9 Dispute Facilitation & Conflict Resolution

Conflicts not resolved before submitting an application affect the Regulator’s review process and may determine whether an application is approved with changes, without changes or refused.

The applicant and recipient(s) may require facilitation services within the Regulator if, after all reasonable efforts are made, issues remain unresolved. This non-mandatory process exists to aid communication and resolve interest-based differences between applicants and consultation and notification recipients.

This facilitation ranges from prompting the exchange of additional information to providing neutral mediation between parties. An assessment of the processes and activities completed and the specific circumstances will determine the type of facilitation service most effective. Landowner Liaisons within the Regulator's Community Relations Department are available to assist with dispute facilitation. It is recommended that applicants provide full documentation regarding their efforts to resolve concerns to the Community Relations Department prior to submitting an application. This will assist in a more efficient application review and decision process.

## 6.1.10 C&N Application Requirements

### Written Report

ERAA requires that each permit application subject to consultation and notification requirements include a written report, summarizing the results of consultation and notification activities. Note: the written report has been incorporated under the Consultation & tab within AMS.

The Regulator requires the applicant to upload components of the written report into AMS during the application process. Specific files, relevant to the written report, to be uploaded include:

- Completed consultation and notification line list. The line list is a summary record of the consultation and notification activities performed with each recipient. The [RCNR Line list template](#) is found on the Regulator website and includes an example for guidance. The AMS will not accept line list templates that are altered or missing required information.

To assist applicants with aligning the differences between the previous line list and the current RCNR Line List, the following tables have been prepared:

- [RCNR Feature Type Concordance](#)
- [RCNR Recipient Type Concordance](#)
- Engagement supporting documentation, which includes:
  1. All notification/consultation information, if applicable;
  2. Details of any known concerns and mitigating actions taken by the applicant;



3. Responses received from respondents and replies made by the applicant. The package of responses/replies must also include attempts made by the applicants to contact the respondent. The applicant should make an effort to follow up with the recipient if mail is returned, sent to wrong address and/or to ensure package was attempted to be delivered; and
  4. Summaries of meetings that provide information about issues, actions and outcomes.
- Consultation and notification map showing the proposed activities in relation to dwellings, facilities and nearby urban centers. The map must cross reference consultation and notification recipients from the Line List.
  - For activities located on private land, with the exception of geophysical applications, an ownership map must be uploaded with the application. An Individual Ownership Plan (IOP map) must be at an appropriate scale that allows directly impacted land owner(s) to easily identify their land and the impact of permitted energy resource activities on that land

### Please Note:

PID numbers must be included in the line list under the “Recipient Legal Land / Parcel description of Rights Holder Tenure Identifier” tab.

## 6.1.11 Revisions and Amendments

### Revisions

A project can either be revised prior to application submission, or after application submission but before a decision. Applications may be revised as a result of the consultation and notification process and associated engagements with recipients or not, and in some circumstances, additional consultations or notifications may be required.

In accordance with Section 13 of the RCNR, the obligation to notify or consult is triggered for a revision to the project or revision to the application in one or more of the following ways:

- g) a change to the area on which the applicant intends to carry out the proposed activities by increasing that area by one hectare or more, or shifting that area by 100 metres or more,
- h) by adding to the proposed activities the drilling of a new well;

- i) by adding to the proposed activities any of the following:
  - i. the construction of a new pipeline
  - ii. the construction of a new facility
  - iii. the installation of new storage tanks, compressors, dehydrators, flare stacks, generators or stabilizers;
  - iv. the installation of new gas processing equipment for fractionation, liquefaction or extraction of hydrocarbons or other substances
  - v. without limiting subparagraph (i), (ii), (iii) or (iv), the installation of any new major equipment that may significantly increase the amount or duration of the noise, dust, light and odours, or anticipated vehicle traffic on energy resource roads within the consultation distance, if applicable, that will be caused by the proposed activities
- j) by increasing the capacity of a proposed facility for petroleum, natural gas or water so as to change the class of the facility.

Section 14 of the RCNR outlines requirements for consultation and notification for revisions.

Revisions that result in new recipients falling within the prescribed consultation or notification distances require consultation or notification. The service period timeline and the consultation and notification response period timeline of 30 days will apply in resubmitting a revised application to the Regulator.

Those, who were previously consulted or notified, but are affected by a revision and still remain in the revised C&N radius require revised consultation or notification explaining the revised program.

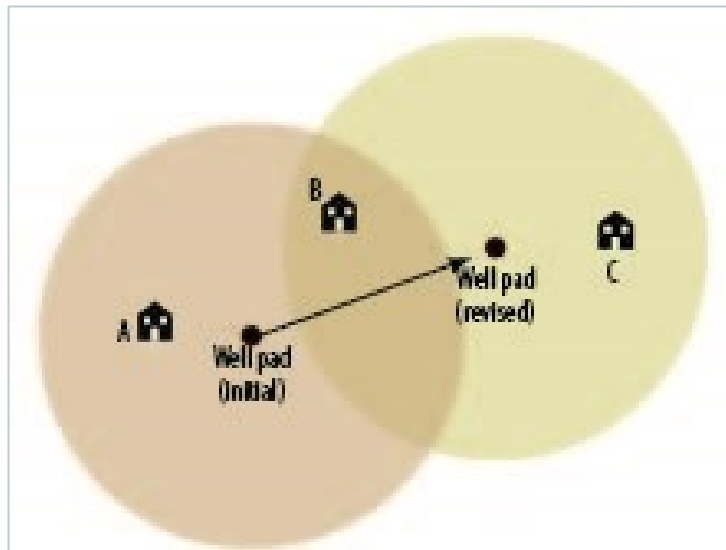
If the revision is to add a new pipeline that is not sour, an invitation to consult is required to be provided only to land owners on whose land the new pipeline would be constructed

It is not required that those who were previously consulted or notified and who are no longer in the C&N radius be further engaged; however it is a best practice to notify them explaining that they are no longer potentially affected.

A revision as shown in Figure 6-F, may result in a different applicable consultation distance than the initial proposal. For example:

- Incorporating a facility onto a wellsite.

Figure 6-F Significant Revision in Consultation Distance



### Amendments Applications

The applicant must provide notification to the land owner on whose land the activity is proposed under Section 31(1) of ERAA, except where exempted from doing so under Section 31(1.1). The notice must provide a description of the proposed amendment. The notice must also advise the recipient that they may send a Written Submission (within 15 days of receiving the notice) to the Regulator regarding the amendment. The applicant does not need to wait 15 days after the notice is deemed received before submitting the amendment application.

As per Section 31(5) of ERAA after an amendment application has been submitted, the Regulator may require, an applicant to complete all or a portion of the prescribed requirements outlined in the RCNR. If the Regulator compels the applicant to provide additional consultation/notification, applicable reviews will continue during the prescribed service and response periods; however, a decision will not be made until obligations have been met and it is confirmed that no objections/outstanding concerns have been raised by the affected parties.

Specific requirements for additional C&N on amendment applications are determined on an application-by-application basis by the decision maker. Typically, the decision maker's consideration of additional C&N under Section 31(5), will apply where there is the potential for adverse impact to the rights of the rights holder or adjacent land owner. This consideration is primarily centred around quiet enjoyment of the land and will usually focus on amendments that

involve changes in activity levels that may increase air (primarily dust), noise or light emissions. Additional considerations that may require consultation or notification for an amendment include:

- New rights holders or landowners of the land on which an operating area is located.
- Previous unresolved concerns.
- An increase in area or shift in location.
- An increase in class of facility.

**Please Note:**

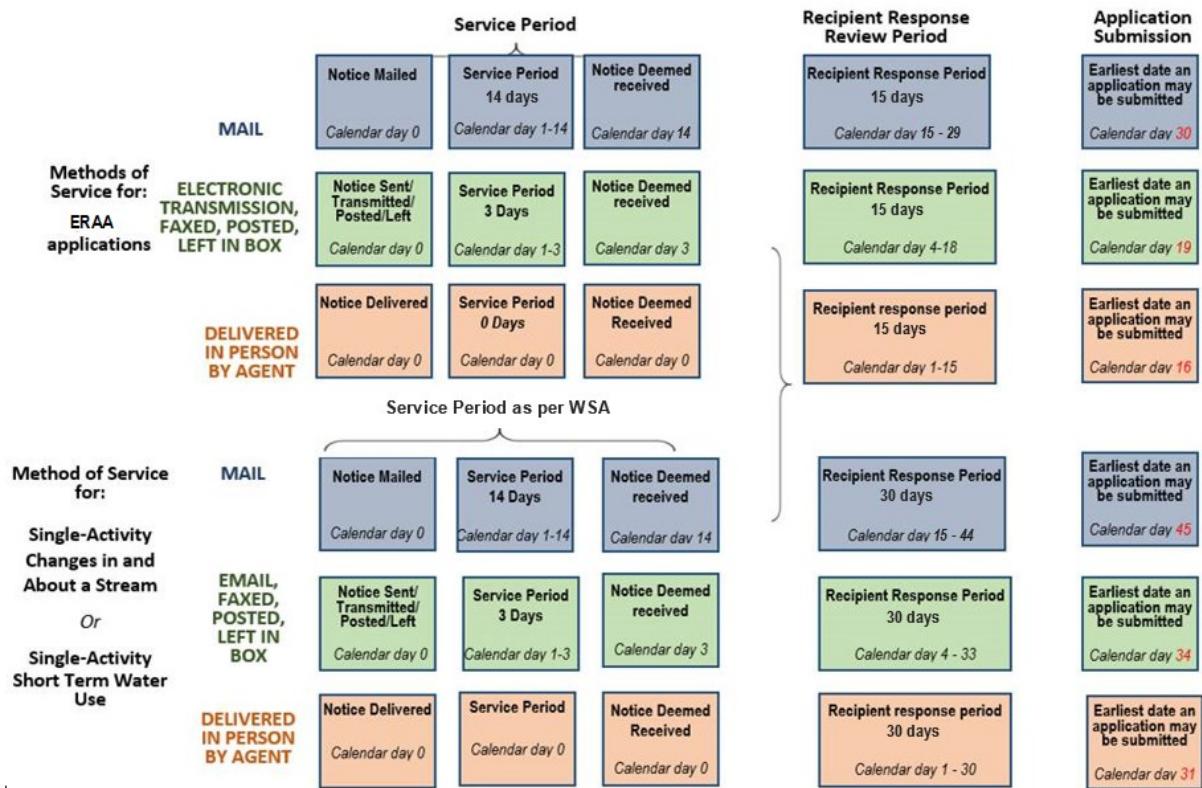
Not all C&N requirements associated with ERAA amendments are mandatory, Applicants are encouraged to contact an Authorizations Director prior to submission of an amendment application if they have any questions about additional consultation or notification

**Please Note:**

Including the prescribed content of notice requirements constitutes offering C&N. If a permit holder does offer C&N by choice or inadvertently, the prescribed process must be followed

**Figure 6-G Amendment application submission timelines for Service Period and Response Period for C&N**

Where the last day of the recipient **response** period falls on a statutory holiday, the **response** period will be extended to the next day that is not a statutory holiday. Timelines with respect to the amendment application submissions in AMS are managed internally.



## 6.1.12 Exemptions from C&N Obligations

Upon written request from the applicant, the Regulator may exempt an application from consultation and notification requirements specified in Section 22(3) of ERAA. In doing so, the Regulator may also substitute other consultation and notification requirements. It is important to note that the Regulator cannot exempt applicants from providing notification to landowners of proposed energy resource activities, per Section 22(2) of ERAA.

Requests for exemptions must include:

- a description of the proposed activity;
- a precise explanation of which prescribed requirements the applicant is requesting exemption from;
- the rationale behind the request including and explanation of why it is unreasonable or unachievable to fulfill the prescribed requirements; and
- an explanation of what the applicant proposes to do in lieu of the prescribed requirements, if applicable.

Exemption requests must be submitted to the Regulator by e-mail, and can be directed, as appropriate, to the Executive Director, Permit Adjudication; or the Vice President, Applications.

If an exemption is granted, the proponent must include the written exemption letter from the Regulator with the application.

### Exemptions Regarding Amendments

Under Section 31(1.1) of ERAA, the Regulator may exempt a person or class of persons from the requirement to provide notice under Section 31(1).

The Regulator may also exempt an applicant from providing notice to directly impacted land owners, provided certain criteria are met, as per Section 31(1.1).

The Regulator issued a class of persons exemption under Section 31(1) in March 2016. Further information about this exemption can be found in Exemption 2016-02 [here](#). When submitting an application to which this exemption applies, AMS will prompt applicants to respond to specific questions pertaining to class of exemptions.

## 6.1.13 Permit Extensions

### Requirements for a Permit Extension

Upon receipt of an permit extension request per ERAA 32 (2), a Regulator's decision maker may require that C&N be carried out prior to making a decision on the application per Section 32(3). If required, the applicant must carry out C&N and provide the information outlined in Sections 19 and 20 of the RCNR.

For further clarification, it is recommended that a proponent contact an Authorizations Director prior to submitting an extension request to determine if C&N will be required.

### Please Note:

Including the prescribed content of notice requirements constitutes offering C&N. If a permit holder does offer C&N by choice or inadvertently, the prescribed process must be followed.