

# OGC (BCER) Agreement Overview

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Ministry of  
Energy, Mines and  
Low Carbon Innovation



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# Agenda

- 01 Application Principles

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- 02 Application walkthrough

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- 03 Pre-engagement

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- 04 Accelerated Restoration in HV1 areas

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- 05 Q/A



# Application Principles

## Three Principles

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- Maintain the honour of the Crown and consult meaningfully, in good faith, and in a manner that integrates the Burke decision, on both Crown and Private land.
  - Transform the application referral, consultation and permitting processes in consultation with Nations to address the Nation's ability to meaningfully exercise its treaty rights.
- As an agent of the Crown, the Commission must carry out its responsibilities under OGAA and ensure administrative fairness to proponents, First Nations and those impacted by oil and gas development.
  - Implement a system that provides confidence in and certainty of process to industry, First Nations, Provincial Government, stakeholders, and the public.
  - While the system is under transformation, continue to move forward with consultation and moving to decisions on Crown and private land.
- Match resourcing to commitments in the negotiated agreements.
  - Tailor the volume of applications undergoing consultation to the ability of each Nation to respond.

# Application Summary

Element	Schedule 1	Existing Applications	New Applications
New information	X	✓ *	✓
Pre-engagement	X	X	✓
Disturbance allocation* (crown land only)	X	✓	✓
Consultation	existing	evolving	evolving
Application review	existing	evolving	evolving

# Schedule I (Existing Priority Applications)

## Relevant points

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- To recognize that applications were submitted to the OGC for consideration prior to and during negotiations, the BRFN Agreement identifies two categories: "existing priority applications" (Schedule I) and "existing applications".
- The Schedule I list was created in communication with companies and in negotiations with BRFN.
- The new rules in the BRFN Agreement don't apply to applications on this list, except for new disturbance fee.
- Consultation is closed with BRFN on all Schedule 1 applications. Consultation is open on a few applications with other nations, and we are working to close consultation with them.
- Many of these applications are now being referred for decision. Companies can expect to see daily progress as these move to decision in the near term.

# Existing and New Applications

## Relevant points

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- Existing applications that were not on Schedule 1 and all new applications within the claim area will be reviewed consistent with the application process principles identified in the Agreement, including disturbance caps for new land disturbance on Crown land
- Applications involving new land disturbance to which the disturbance caps would apply will proceed to decision once discussions take place between BCER and individual companies on their priority applications for 2023, to ensure these are consistent with each company's allocation for the year.
- Existing applications on private land or on Crown land with no new land disturbance will continue to be reviewed under current process and consulted on with First Nations. Consistent with the approach over the past year, the Commission, in collaboration with nations, will continue to identify the depth of consultation for the types of applications. Greater emphasis on results of pre-engagement with nations.

# New Application Information Requirements

## Relevant points

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- The Implementation Agreement includes several new requirements for existing and new applications.
- The BCER's general approach to implementing these requirements will be to provide industry with as much information as possible - spatial data, guidance, etc. - such that new applications can be planned in compliance with requirements.
- Short- and Mid-term approach to implementation



# New Application Information Requirements

Item	Implementation Approach	Geographic Areas Where Applicable (Crown Land Only)
Area of New Disturbance	New Application Requirement in AMS	Civil Claim Area
Length of New Linear Disturbance	New Application Requirement in AMS	Civil Claim Area
Disturbance Fee	Permit Condition	HV1, Priority WMBs, Traplines
Maximize use of existing Disturbance	Include description of efforts to use existing disturbance in project description submitted with application	Civil Claim Area
Identify all Project and Activity Components	Whether or not all components are included in the application, they must be listed in the project description and shown on maps	Civil Claim Area
Pre-Engagement Report	Required attachment in AMS	Civil Claim Area
Impact to Old Growth Areas	Signed statement from a QP indicating how amount, duration and impact has been minimized in planning an application. Applicable when there is impact to mapped Old growth area.	HV1 and Trapline Areas
No New Disturbance within mapped high value moose habitat	Make spatial data available to applicants, corresponding application review to ensure compliance. AMS validation.	HV1 and Trapline Areas



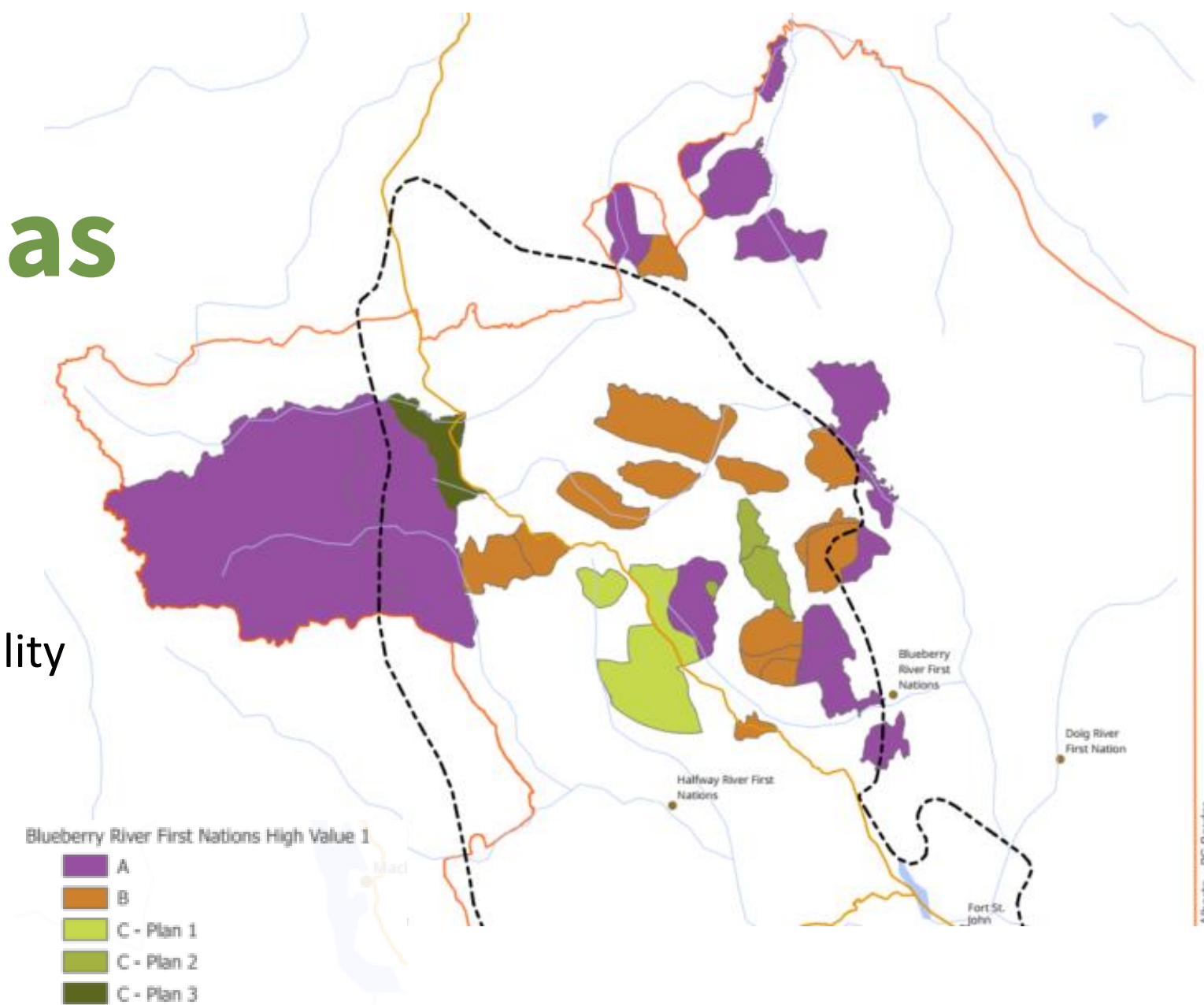
# New Application Information Requirements

Item	Implementation Approach	Geographic Areas Where Applicable (Crown Land Only)
Setbacks: Grizzly Bear Dens	Permit Condition	HV1 and Trapline Areas
Setbacks: 1 km from mapped Cabins	Make spatial data available to applicants or available in AMS, corresponding application review to ensure compliance	Civil Claim Area
Setbacks: 500m from mapped campsites, spiritual and medicinal sites	Make spatial data available to applicants or available in AMS, corresponding application review to ensure compliance	Civil Claim Area
Setbacks: 250m from mapped mineral licks or wallows and cultural trails	Make spatial data available to applicants or available in AMS, corresponding application review to ensure compliance.	Civil Claim Area
No new disturbance in RMAs, except for crossings	Update AMS to ask if there is planned disturbance in RMA, if so, is it to facilitate a crossing	Civil Claim Area
No new disturbance within W2 wetlands except to facilitate crossings	Update AMS to ask if there is planned disturbance in W2 wetland, if so, is it to facilitate a crossing	Civil Claim Area
Engagement with Trapline Holders	Specified trapline holders must be given invitation to consult using RCNR process	Trapline Areas
Requirements for line-of-sight mitigations and access management on new linear disturbance	Permit condition	Civil Claim Area

# Applications in High Value 1 Areas

## Limit New Disturbance

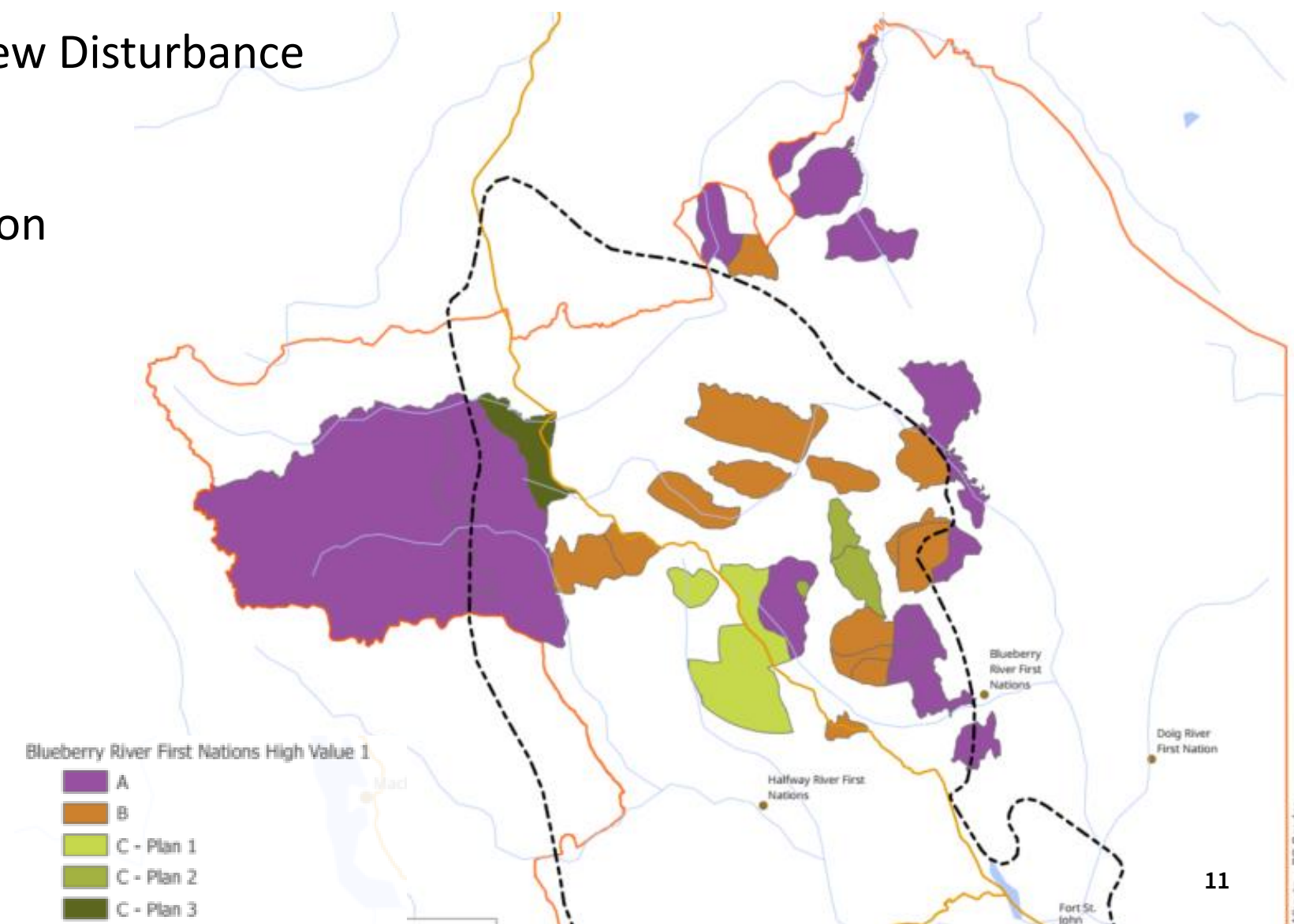
- The HV1 areas have been zoned into three categories based on the future ability for New Disturbance from Oil and Gas Activities: A, B and C.
  - HV1A
    - No New Disturbance will be allowed subject to limited exceptions
    - Existing operations may continue until end of useful life
  - HV1B
    - New Disturbance will not be considered for a period of two years and must be consistent with an approved HV1 Plan
    - Applications which do not create a New Disturbance will be considered and will be subject to consultations.
  - HV1C
    - New Disturbance will not be considered during HV1 planning and must be consistent with an approved HV1 Plan
    - Applications which do not create a New Disturbance shall be considered and will be subject to consultations.



# Accelerated Restoration in High Value 1 Areas

## Focus for Healing the Land

- In each of the HV1 areas, there will be a focus on accelerated restoration:
  - Applications supporting restoration are exempt from definition of New Disturbance
  - Streamlined restoration permitting
  - Designate priority sites under the Dormancy and Shutdown Regulation
  - Prioritization of existing orphan well sites
  - Planning to support efficiencies





# New Application Information Requirements

## BRFN Consultation

### Relevant points

- Facilitated process to develop consultation process
- Timelines specified
  - i. OGC provides referral package (assuming applications consistent with agreement requirements) – Blueberry River to provide response within 30 business days.
  - ii. OGC to respond to any questions / concerns within 15 business days.
  - iii. If no concerns AND consultation closed with all relevant nations AND all assessments complete, OGC can proceed to decision.
  - iv. If concerns to resolve, potential for issue resolution process.

# Pre-engagement

## Relevant points

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- The OGC will be publishing pre-engagement guidance for applicants in February/March that will make pre-engagement for all applications mandatory on private and Crown land.
- Applicants are strongly encouraged to discuss the specific needs and preferences for pre-engagement with each First Nation.
- The objective of pre-engagement is for applicants and First Nations to share information, identify potential impacts, and develop or propose mitigation measures, well in advance of submitting an application.
- Effective pre-engagement is anticipated to result in more certainty and efficiency in the review process.



# Questions? Contact us:

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