

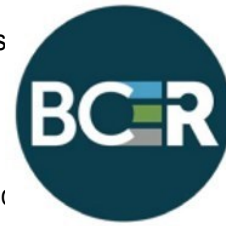


Guidance for Pre-engaging with First Nations

VERSION 1.1: June 2025

About the Regulator

The British Columbia Energy Regulator (Regulator) oversees the full life cycle of energy resource activities in B.C., from site planning to restoration. The Regulator ensures activities are undertaken in a manner that protects public safety and the environment, supports reconciliation with Indigenous peoples, conserves energy resources and fosters a sound economy and social well-being. We work collaboratively across government and industry sharing policy and technical expertise in support of B.C.'s transition to low-carbon energy and helping meet future global energy needs.



Vision, Mission and Values

Vision

A resilient energy future where B.C.'s energy resource activities are safe, environmentally leading and socially responsible.

Mission

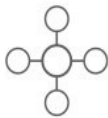
We regulate the life cycle of energy resource activities in B.C., from site planning to restoration, ensuring activities are undertaken in a manner that:



Protects
public safety and the
environment



Supports reconciliation
with Indigenous peoples
and the transition to
low-carbon energy



Conserves
energy
resources



Fosters a sound
economy and social
well-being



Values

Respect is our commitment to listen, accept and value diverse perspectives.

Integrity is our commitment to the principles of fairness, trust and accountability.

Transparency is our commitment to be open and provide clear information on decisions, operations and actions.

Innovation is our commitment to learn, adapt, act and grow.

Responsiveness is our commitment to listening and timely and meaningful action.

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Preface

Proponents of energy resource activities play a vital role in successful engagement with First Nations. The Regulator requires proponents to meet with and engage in dialogue with affected First Nations when planning energy resources activities. This is part of the Regulator's work with First Nations to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within Regulator processes.

About This Document

The Guidance for Pre-engaging with First Nations (the "guidance") is intended to provide a basic reference document for proponents engaging with First Nations to avoid and/or mitigate potential impacts to Indigenous Interests¹ prior to submitting applications to the Regulator for adjudication.

This guidance provides general information on pre-engagement with First Nations. However, proponents should consider the diversity of First Nations in British Columbia, particularly their distinct cultures, customs, practices, rights, traditions, institutions, governance structures, relationships to territories and knowledge systems. **Proponents are strongly encouraged to discuss the specific needs and preferences for pre-engagement with each affected First Nation.**

Objective of Pre-engagement

The objective of pre-engagement is to provide First Nations with timely and relevant information, along with meaningful opportunities to participate in project planning and decision-making processes before key milestones are reached. Pre-engagement aims to advance collaboration, address concerns early, and establish clear expectations to support informed decision-making and respectful relationships. It ensures that rights, interests, and knowledge are meaningfully integrated into project planning from the outset.

¹ The term "Indigenous Interests" refers to claimed or proven Aboriginal rights (including title) and Treaty Rights recognized and affirmed by Section 35 of the Constitution Act, 1982.

Document Revisions

The Regulator is committed to the continuous improvement of its documentation. Revisions to the documentation are highlighted in this section and are posted to the [Energy Professionals](#) section of the Regulator's website.

Version Number	Posted Date	Effective Date	Chapter Section	Summary of Revision(s)
1.0	March 6, 2023	March 6, 2023	ALL	<p>This is a new document; users are encouraged to review in full.</p> <p>For more information, please refer to Technical Update TU2023-02 Updates to Application Manual to Support Consultation with First Nations on the Regulator's website.</p>
1.1	June 6, 2025	June 6, 2025	ALL	<p>All sections of the document have received updates and users are encouraged to review in full.</p> <p>For more information, please refer to Technical Update TU2025-10 Updates to Application Manual to Support Consultation with First Nations on the Regulator's website.</p>

1. What is Pre-engagement?

Pre-engagement is a process of information sharing and dialogue between proponents and First Nations during the planning of energy resource activities. The objective of pre-engagement is for proponents and First Nations to share information, identify potential impacts to First Nation Interests, and develop measures to avoid and/or mitigate potential impacts, well in advance of submitting applications to the Regulator as a means of understanding the entire life cycle of a project or development area.

Pre-engagement serves as a foundation for ongoing engagement with First Nations before potential operational phases. A key aspect of pre-engagement is its focus on initiating dialogue prior to submitting any applications. However, it is not a substitute for continuous engagement, which remains essential throughout the entire lifecycle of activities and is considered best practice for permit holders working with First Nations.

1.1. Why Pre-engage?

The Regulator, First Nations, and proponents recognize that consultation with First Nations is more effective when potential impacts to First Nation Interests are addressed during the planning phase of development, prior to the submission of permit applications. Pre-engagement provides an opportunity to build positive relationships, proactively address issues, and increase operational certainty.

The goal of pre-engagement is to inform First Nations early in the project planning process, creating more opportunities for meaningful information sharing. This approach promotes a deeper understanding of ongoing development in a specific area and opens the door for collaboration with First Nations on potential project plans and designs.

1.2. When to Pre-engage

Pre-engagement is initiated early during project planning, well ahead of application submission, when proponents and the First Nations have the greatest flexibility to avoid and/or mitigate potential impacts, both in terms of time available and in terms of being able to adjust the planned development.

Pre-engagement is mandatory for all energy resource activity applications, except for:

- Applications that are administrative or technical in nature that do not require any new land or are unlikely to have the potential to impact Treaty Rights or Aboriginal Rights. Examples of these applications would include:
 - well tie-ins
 - changes to existing wells, but does not include applications for new wells
 - changes to pipelines that do not require new stream crossings or the construction of new pipeline segments
 - facility changes that do not result in significant increases in noise, emissions or light including changes to inlet capacity, H₂S, leak detection, changing equipment for like equipment, addition of new equipment that will not increase the current noise or emissions levels produced at the facility
- Projects that are subject to an Environmental Assessment as per the Reviewable Projects Regulation under the Environmental Assessment Act.

- Projects that have completed pre-engagement and consultation through the Canada Energy Regulator (CER) process.

Please Note: Pre-engagement is required for all maintenance activities, including post-construction maintenance for projects subject to an Environmental Assessment Certificate or an Order under the CER. Once a project is in operation, any maintenance or future applications that are not administrative or technical in nature, as described above, must go through the pre-engagement process.

Where a proponent is unsure if pre-engagement is required for a specific activity, the Regulator can confirm requirements in advance of pre-engagement being initiated.

While pre-engagement can occur on an application-by-application basis, it may be more effective for parties to engage at a broader level, such as during the development or project planning stage, if discussions cover all project aspects and ensure that all parties are informed of planned activities. Additionally, First Nations may have specific preferences regarding if and when they wish to be re-engaged, and whether they want application-specific details prior to current or future submissions. It is essential to confirm these preferences with each First Nation to align the timing of pre-engagement with their needs.

1.3. Who to Pre-engage

Proponents can use the Province's First Nation Consultation Areas Public Map to identify the First Nations within the queried area. Proponents may also contact the Regulator directly for any required contact information. It is important to recognize who to engage with when discussing project planning with First Nations. Each First Nation is unique, with varying roles such as knowledge keepers, lands department staff, Chief and Council members, or other technical review staff.

The Regulator encourages proponents to identify and engage with the most appropriate contacts from the First Nations they are working with, ensuring they also include those who would review the applications related to the Projects that will be discussed with the Regulator. This promotes clarity and consistent communication.

2. Determining the Scope of Pre-engagement

The Regulator encourages proponents to pre-engage potentially impacted First Nations in a manner proportionate with the scope and scale of the proposed activities and work with the First Nations accordingly to develop measures to protect First Nation interests. It is expected that proponents will engage with each of the potentially impacted First Nations to determine the unique timeline and additional information required for all parties to be adequately informed along with opportunity to discuss the activities with the proponent.

3. Responsibilities

3.1. Industry Proponents

Proponents are responsible for sharing and discussing information about proposed projects and/or programs with potentially affected First Nations and solicit feedback. Discussions and information shared should include a list of planned activities that support associated operations, future developments and projects and other operational considerations, restoration and/or reclamation activities upon completion of construction. Discussions and timelines may shift depending on the quality of the information exchanged and, therefore, we recommend sharing and discussing application submission intentions early on to establish shared understanding around expectations.

Proponents must document pre-engagement attempts and submit any relevant records to the Regulator for review and consideration during consultation and permit adjudication. They are encouraged to understand this guidance in its entirety.

3.2. First Nations

First Nations can determine their own role and level of formal participation in pre-engagement processes, which may include contributing local knowledge, influencing project design, and shaping the scope of engagement. This could involve ensuring that cultural and environmental considerations are integrated early on. Pre-engagement also allows for collaborative problem-solving, which could lead to meaningful arrangements, agreements and/or processes. Further, it can assist in preparing for formal consultations and support early discussions. Ultimately, this approach can create space for First Nations to define how they wish to communicate their interests and support how these can be addressed from the outset.

3.3. BC Energy Regulator

The Regulator will review pre-engagement records, and any agreed-upon accommodations made between proponents and First Nations in support of the consultation and permit adjudication processes. Records will be evaluated for accuracy of details, adequate time provided, and relevant information appropriate to the scope and scale of the proposed activities. As part of the review process, all pre-engagement records are shared with applicable First Nations as part of the application referral package shared when commencing consultation. Where the Regulator determines that pre-engagement records are insufficient, updated records or additional information may be requested prior to the consultation process being initiated.

4. Information Requirements

Sharing detailed and accurate information with First Nations is essential for effectively meeting the objective of pre-engagement. When initiating pre-engagement, proponents are required to provide an information package to the First Nation(s).

Please Note: each First Nation may have unique communication and information content and sharing process preferences, therefore it is important to ask about information requirements early in discussions.

The following items are the minimum required information that must be provided to First Nation(s) as part of the pre-engagement information package:

- applicant contact name, phone number, and email address;
- a project description including project location, area covered, expected term of use, any associated applications required to complete the project and reasoning for site selection;
- applicable application numbers, First Nation File Number or other project file identifier that can be easily referenced back to a specific application to be submitted;
- proximity to any known areas of cultural significance and expected impacts to use of the area by First Nations;
- any planned or ongoing restoration activities that are being planned in relation to the project;
- a summary of relevant supporting documentation (e.g., environmental assessments);
- GIS compatible spatial data, (i.e., shapefiles, KMZ files, or other comparable GIS data format files);
- accurate map(s) at a scale sufficient to indicate the location and details of the proposed project;
- a summary of how the project fits into the larger context of current and future activities or ongoing development or project in the area; and
- description of any expected long-term or short-term offsite impacts, including noise, light, changes in area traffic volumes etc.

4.1. Pre-engagement Records

Records of pre-engagement are best tracked in a [Pre-engagement Record](#) for each First Nation and submitted as supporting information with an application. Records must be submitted for each First Nation and not combined into one inclusive document. Records should also provide a detailed description of the process used to pre-engage, any objections or concerns raised from First Nations and the outcomes of pre-engagement. This includes but is not limited to:

- A summary of all engagement activities, including all attempts to engage, with First Nations affected by the project.
- Detailed records of pre-engagement for each First Nation engaged, outlining any objections or concerns raised during engagement, and how or if the application addresses them.
- A clear summary of how input from the First Nations was incorporated in the final proposed development or project application and any mitigations or project design changes as a result of First Nations input. Further, where a concern could not be mitigated, provide a clear rationale explaining why the mitigation was not feasible. This ensures First Nations are informed and prepared for further conversations during the consultation phase.
- Records submitted must detail which proponent representative(s) engaged with which First Nation, the methods used for information sharing and document each attempt within the specified timeframe.

With respect to Indigenous knowledge, the Regulator recognizes the sensitivity around its sharing, use, and storage. It is recommended that prior to documenting any specifics or sensitive information, proponents must clearly express intentions and obtain approval from the First Nation prior to documenting these in records.

Proponents can use any record format, as long it meets the requirements outlined in this document. Regulator review staff will use pre-engagement records to support consultation discussions with First Nations by sharing the records with them as part of the review process.

5. When Pre-engagement is Determined Sufficient

The Regulator considers pre-engagement sufficient when it is demonstrated that proponents provide individual First Nations with timely, relevant information and meaningful opportunities to participate in the planning process before key project milestones are reached—specifically, before the application is submitted to the Regulator.

There are three main means to assess whether pre-engagement could be considered sufficient:

- The First Nation notes that pre-engagement is complete in the original application submission; or
- Through the BCER consultation process, the First Nation confirms whether the pre-engagement record is complete and aligns with discussions held with the proponent, or identifies any inconsistencies, or
- The proponent demonstrates they have made reasonable efforts to engage with the First Nation and address their interests and concerns, as documented in their submitted pre-engagement record and have met the objective of Pre-engagement.

Please Note: It can be difficult to determine when ‘pre-engagement’ is considered ‘complete,’ as engagement with First Nations may be required throughout both the pre-application and application phases. Pre-development engagement is typically considered complete once consultation is closed. However, the Regulator strongly encourages ongoing engagement and partnership with the First Nation throughout the entire lifecycle of the project.