

DIRECTIVE

2011-03

September 20, 2011



First Nations Consultation on Short Term Use of Water Applications

To: Industry Clients

Effective Date: October 20, 2011

Background:

The BC Oil and Gas Commission (Commission) is authorized through Section 8 of the Water Act to issue short term use of water permits to industry for use in oil and gas operations. This directive advises industry that the Commission will now be consulting with applicable First Nations on all applications for short term water use that may potentially affect rights recognized and affirmed by Section 35(1) of the Constitution Act, 1982.

The Interim Consultation Procedure and the Consultation Process Agreements provide information specific to each First Nation community. These documents can be found on the Commission's [website](#). Further information regarding the Commission's Interim Consultation Procedure can also be found on the [website](#).

Requirement:

First Nation Consultation Packages are required to be submitted with Crown land Section 8 short term water use applications to the Commission. First Nation Consultation Packages are required to include the appropriate First Nation Cover Letter found on the Commission's [website](#) and any other applicable documentation outlined within the cover letter.

Short term water use applications should include a proposed classification of "Information Only" or "Notification with Opportunity to Comment" based on the criteria outlined in Appendix A on the following page. The Commission will use this information in completing an initial assessment to determine the appropriate level of consultation with each First Nation.

Should you have any questions regarding this directive, please contact:

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Director, First Nation Relations
BC Oil and Gas Commission
250-794-5322
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**For oil and gas incidents and emergencies, please contact the Commission at:
1-800-663-3456 (24 hours).**

Appendix A

Section 8 First Nation Consultation Criteria

If <u>all</u> of the below criteria are met, the application will be deemed: “Information Only”	If <u>any</u> of the below criteria are met, the application will be deemed: “Notification with Opportunity to Comment”
The diversion point is geographically located within northeast B.C. (that is, Fort Nelson and Peace Forest Districts).	The diversion point is geographically located outside northeast B.C.
The diversion point is not identified within areas established by Order under the Oil and Gas Activities Act Environmental Protection and Management Regulation.	The diversion point is identified within areas established by Order under the Oil and Gas Activities Act Environmental Protection and Management Regulation.
The withdrawal rate is less than 500 m³/day <u>and</u> 100,000 m³ total, <u>or</u> the source is a water source dugout and/or other man made structure.	The withdrawal rate is equal to or greater than 500 m³/day, and the source is not a water source dugout and/or other man made structure.
Diversion point is not located on an identified sensitive waterbody or area of known significance.	Diversion point is located on an identified sensitive waterbody or area of known significance.