

Regulatory Changes

Requirements for Consultation and Notification Regulation
Service Regulation

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Vision

Safe and responsible energy resource development for British Columbia.

Mission

- Protect public safety.
- Safeguarding the environment.
- Respecting those individuals and communities who are affected.

Values

INTEGRITY

TRANSPARENCY

RESPONSIVENESS

RESPECT

INNOVATION

Agenda

- ❖ Welcome and Introductions – *Donna*
- ❖ Requirements for Consultation and Notification Regulation (RCNR) changes
 - *Jenny / Carling / Donna*
 - Why
 - Highlights and key changes
- ❖ Service Regulation changes - *Jenny*
 - Why
 - Highlights and key changes
- ❖ Major Amendment – *Donna*
- ❖ Application submission requirements – *Donna*
 - *AMS impacts*
- ❖ Guidance and documentation - *Donna*
- ❖ Wrap-up and questions - *Donna*

Why the Changes?

Requirements for Consultation and Notification Regulation (RCNR):

- ✓ Repeal and replace of entire regulation was on the recommendation of Office
- ✓ of Legislative Counsel, as old regulation was duplicative and at times unclear.
- ✓ New name!!
- ✓ Responsive to landowner interests.
- ✓ Reflect who is most likely to be affected.

Service Regulation:

- ✓ Responsive to landowner and Indigenous feedback.



RCNR Key Changes

Summary

Who, or who not to, consult or notify

- Rights holders and recipients

Where to consult or notify

- Streamlined C&N distances

What triggers consultation or notification

- Light, water pipelines and water wells

What information to provide

- Content of letters

When does the response period start

- Response period timelines

What happens when

- Written replies

RCNR Key Changes

Who to consult or notify

New rights holders – RCNR at s.1

- OGAA permit holders.
- First Nations woodland licences and timber licences under the Forest Act.
- Holder of a permit, lease, or well authorization under the Geothermal Resources Act.

If a community watershed under OGAA is within the notification distance RCNR at s.11(2)

- A Water Sustainability Act licensee.
- A construction or operating permittee under the Drinking Water Protection Act.



RCNR Key Changes

Who not to consult or notify

- Local authorities no longer need to be consulted or notified on the following:
 - If an OCP map designation is within notification distance.
 - CNR s.4(1)(b)(i)(B)
 - If a community watershed is located within the notification distance.
 - CNR s.4(1)(b)(i)(C)
 - If a proposed pressure regulating station is on the applicant's own land.
 - CNR s.4(4)
- Everyone except a landowner on whose land the pipe would be located,
 - in the case of an application revision to include a non-sour pipeline.
 - RCNR 14(2) , CNR 5(1)(a)(ii)

Questions?



RCNR Key Changes

**Where to
consult or
notify**

s.17 RCNR

Item	Column 1 Proposed Activity	Column 2 Consultation Distance (m)	Column 3 Notification Distance (m)
1	The use of an LNG facility, petroleum refinery, natural gas manufacturing plant or a gas processing plant that is a Class C natural gas facility and that is not the subject of an environmental assessment certificate under the <i>Environmental Assessment Act</i>	3 300	3 300
2	Facilities that are not listed in item 1 and have a facility area or wellsite measuring ≥ 5 ha	1 300	1 800
3	Facilities that are not listed in item 1 and have a facility area or wellsite measuring < 5 ha	1 000	1 500
4	A wellsite measuring ≥ 5 ha	1 300	1 800
5	A wellsite measuring < 5 ha	1 000	1 500
6	The use of a pipeline or the construction of an oil and gas road	200	200
7	The carrying out of geophysical exploration	not applicable	400

Questions?

RCNR Key Changes

What triggers consultation and notification

- A water pipeline in a highway right of way.
 - CNR s.4(3)(d) \Rightarrow RCNR at s.9(b)(ii)
- Application revisions including a water well.
 - CNR s.5(1)(a)(i) \Rightarrow RCNR s.13(1)(b)
- Application revisions that include a sour pipeline.
 - CNR s.5(1)(a)(ii) \Rightarrow RCNR s.13(1)(c)(1), 14(2)
- Application revisions that change the facility's capacity enough to change its class.
 - RCNR s.13(1)(d)



RCNR Key Changes

What triggers consultation and notification cont.

Application revisions that add:

- The installation of new storage tanks, compressors, dehydrators, flare stacks, generators or stabilizers.
- The installation of new gas processing equipment for fractionation, liquefaction or extraction of hydrocarbons or other substances.
- The installation of any new major equipment that may significantly increase the amount or duration of the noise, dust, light, odours, or anticipated vehicle traffic on oil and gas roads within the consultation distance.
 - RCNR s.13(1)(c)(iii)(iv)(v)



RCNR Key Changes

What triggers consultation and notification cont.

- Permit amendments if the Commission requires it under s.31(5) of the Act:
 - CNR s.1 “applicant” at (b) ⇨ RCNR s.4
- Major amendment definition removed:
 - Consistent with OGAA s.31(5)
 - Some regulatory requirements



RCNR Key Changes

What triggers consultation and notification cont.

Criteria for an amendment - Regulatory obligations

- **Under OGAA:** s.31(1) before submitting an application under subsection (4) for an amendment to a permit, a permit holder must provide notice to the land owner of the land on which an operating area is located.
- **Under WSA:** s.13(1)(a) any of the following whose rights the decision maker considers are likely to be detrimentally affected if the application is granted:
 - i. an authorization holder;
 - ii. a change approval holder;
 - iii. an applicant for an authorization or change approval;
 - iv. a riparian owner, and
 - v. a land owner whose land is likely to be physically affected if the application is granted.



RCNR Key Changes

What triggers consultation and notification cont.

The definition of “major amendment” will no longer be used as guidance as to when C&N might be requested for an amendment. The following guidance can be used as considering factors as to when a decision maker might ask for additional consultation or notification:

Additional consideration that may require consultation or notification for an amendment:

- 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.

Applicants are encouraged to contact the Commission prior to submission of an amendment application if they have any questions about additional consultation or notification.

NOTE: the definition of a major amendment and what it now means will be explained in upcoming slides.

Questions?



RCNR Key Changes

Important Terminology

❖ Respondent *New

- A recipient who sends a written response

❖ Written Response

- From the respondent to the applicant

❖ Written Reply

- From the applicant to the respondent

❖ Written Submission

- From the recipient to the Commission



RCNR Key Changes

What information to provide

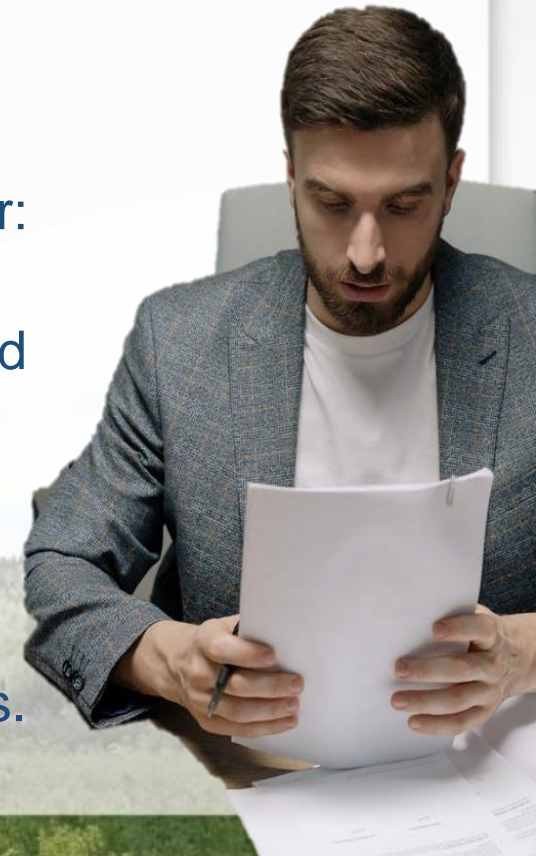
Letter content:

Existing CNR s.11 notification letter

- *Statement 1:* a written response can be provided within 21 days that either:
 - a) advises that the person does not object, or
 - b) sets out reasons why the activities should not be carried out or should be modified.

RCNR s.19 notification letter (and consultation letter)

- *Statement 1:* a written response can be provided within 30 days stating whether there are any concerns, and if so, the reasons for those concerns.



RCNR Key Changes

What information to provide cont.

Letter content

Existing CNR s. 13 **consultation letter**

- Nature and extent of reasonably foreseeable noise, dust and odours.
- Description of the order the activities would be carried out, and the timing.

RCNR s. 20 **consultation letter**

- Nature and extent of reasonably foreseeable noise, dust, light and odours.
- Estimate of the dates phases will begin and end.



RCNR Key Changes

What information to provide cont.

Letter content

Existing CNR s. 13 **consultation letter**

- Nature and extent of vehicle traffic on oil and gas roads within consultation distance.
- A statement that within 21 days the recipient may request a meeting.

RCNR s.20 **consultation letter**

- Anticipated traffic on oil and gas roads within consultation distance.
- A statement that within 30 days the recipient may provide a written request to meet.

Questions?



RCNR Key Changes

When RCNR period starts

Response period starts on the deemed service date under s. 79(2) of the Act or under s. 2(2)

- ❖ Service Regulation as applicable
 - CNR 11 (g)(i) ⇒ RCNR 1, 22(1)
- ❖ RCNR - 30 day response period
 - CNR 11(g)(i) ⇒ RCNR 19(4)
- ❖ Date on which the consultation period ceases is 30 days after the deemed receipt date with respect to each recipient
 - CNR 12(3) ⇒ RCNR 22

RCNR Key Changes

When RCNR period starts

From *'Date Deemed Received'*

30 Day Response Period

Questions?

RCNR What happens when?

Written reply requirements

What to include for written responses received within the 30 day response period:

- Description of any revisions based on the concerns.
- Summary of meeting (if applicable).
- *Statement 1*: that the written response and written reply will be included in the written report.
- *Statement 2*: if applicable, that a written submission can be made.

Questions?

Service Regulation Changes

Regulation changes

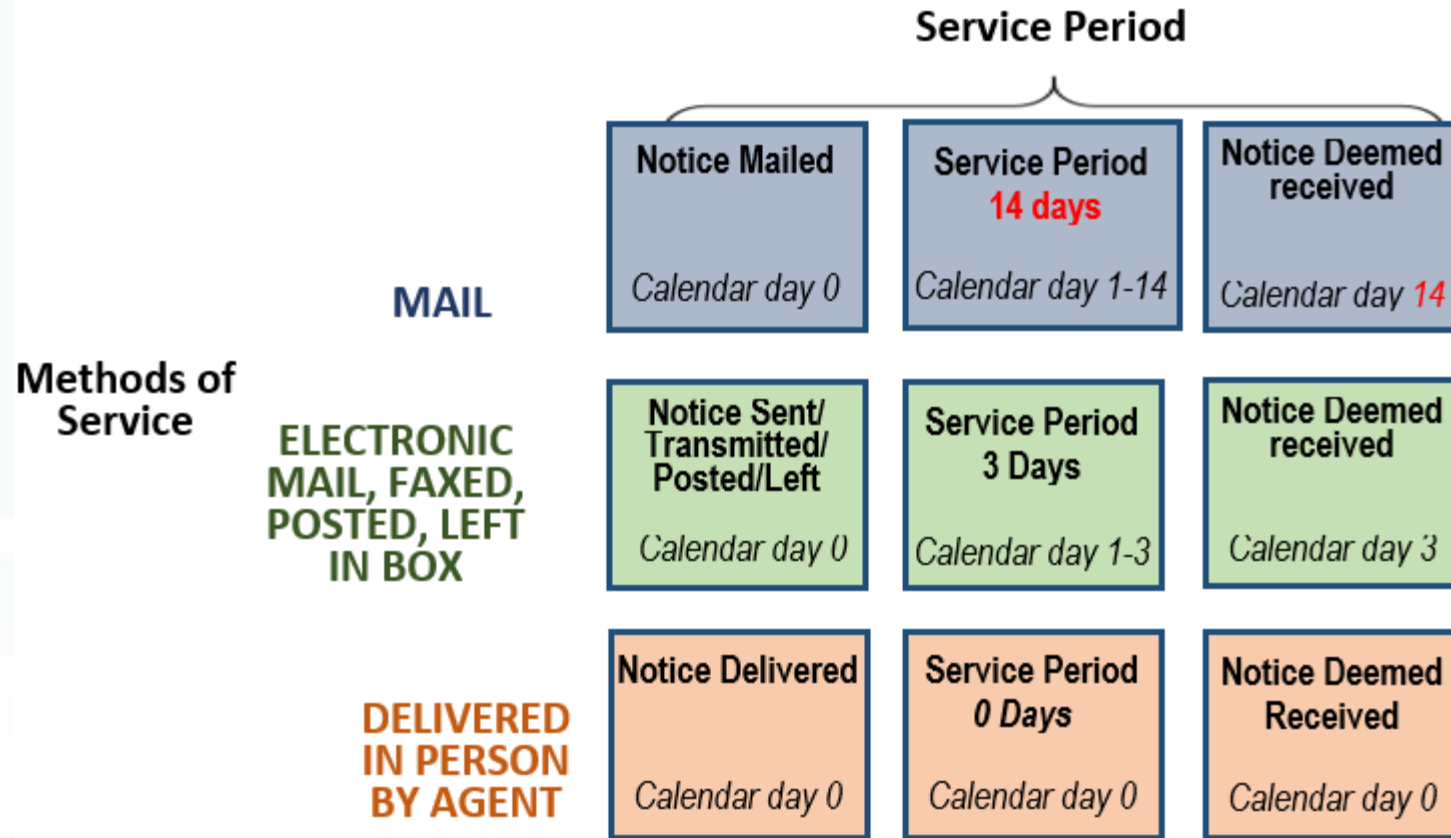
❖ Timelines

- Mail deliver timeline increased from 5-14 days

❖ New methods of service

- If First Nation or Local Government provides a specific contact or address, must deliver to that contact or address
- Electronic transmission: includes e-mail, web portal, FTP

Service Regulation Changes



Questions?

Major Amendment

Changes

Regulatory changes

- Definition of major amendment was not included in the new RCNR.
- Remains in the Fee, Levy and Security Regulation.
 - Amendment applications that meet the definition of a 'major amendment' will be charged the amendment fee accordingly.

Definition has changed

- Streamlined

Major Amendment

Definition

Major amendment definition slightly revised, and resides in Fee, Levy, Security Regulation:

“Major amendment” means an amendment to a permit to do one or more of the following:

- a) Increase by one hectare or more the approved area with respect to a wellsite, facility, pipeline, oil and gas road or seismic line;
- b) Shift by 100m or more the approved area with respect to anything referred to in paragraph (a);
- c) Change the approved activities under a permit to construct or operate a facility in a manner that would cause a change to
 - (i) the class of facility as defined in section 1, or
 - (ii) activities in relation to processing or to the handling of waste.
- d) Change the approved activities under a permit to construct or operate a facility by adding approval for additional storage.

Questions?

Application Submission

Timeline transition

What does this mean to applications consulted or notified on prior to June 01st?

- Applications submitted **prior to or on May 31st** will fall under the service period and response period timelines of our current regulation.
- Applications submitted on or after **June 01st**, **but where both the service period and response period ended prior to or on May 31st**, will also fall under the service period and response period timelines of the current regulation
 - ✓ This means Commission review staff will consider CNR when completing reviews and moving these applications to a decision even if reviewing it after June 01st.

Application Submission

Timeline transition

<i>TIMELINE EXAMPLES</i>			
	CNR Prior to or on May 31st	vs	RCNR As of June 01st
Invitation to Consult OR Notice sent via Mail	May 5		May 5
Service period (old)	5 days		Not yet in force
Deemed received	May 10 Service period has ended		Not yet in force
Response period (old)	21 days		Not yet in force
Obligation ends	May 31st		
	Date of submission	JUNE 01ST	Date of Submission

Application Submission

Timeline transition

What happens if the service or response periods are partially completed?

- If either the service period or response period is still open on June 01st, the new timelines will apply.
- Depending on where the timelines fall, applicants may need to consider both the CNR and RCNR.
 - Commission staff will consider both the CNR and RCNR as well as the amended Service Regulation when completing reviews

Application Submission

Timeline transition

<i>TIMELINE EXAMPLES</i>			
	CNR Prior to or on May 31st	vs	RCNR As of June 01st
Invitation to Consult OR Notice sent via Mail	May 26 th		May 26 th
Service period (old)	5 days		Not yet in force
Deemed received	May 31 st Service period ends		Not yet in force
	Day 1 - Response Period	JUNE 01ST	Day 1 - Response Period
Response period (new)	n/a		30 days
Obligations ends			June 30th
Date of Submission			July 01st

Application Submission

<i>TIMELINE EXAMPLES</i>			
	CNR Prior to or on May 31st	vs	RCNR As of June 01st
Invitation to Consult OR Notice sent via Mail	May 28		May 28
Service period (old)	5 days		Not yet in force
		JUNE 01ST	Day 4 of the service period
Service period (new)	n/a		14 days
Deemed received	n/a		June 11
Response period (new)	n/a		30 days
Obligation ends			July 11th
Date of Submission	n/a		July 12th

Application Submission

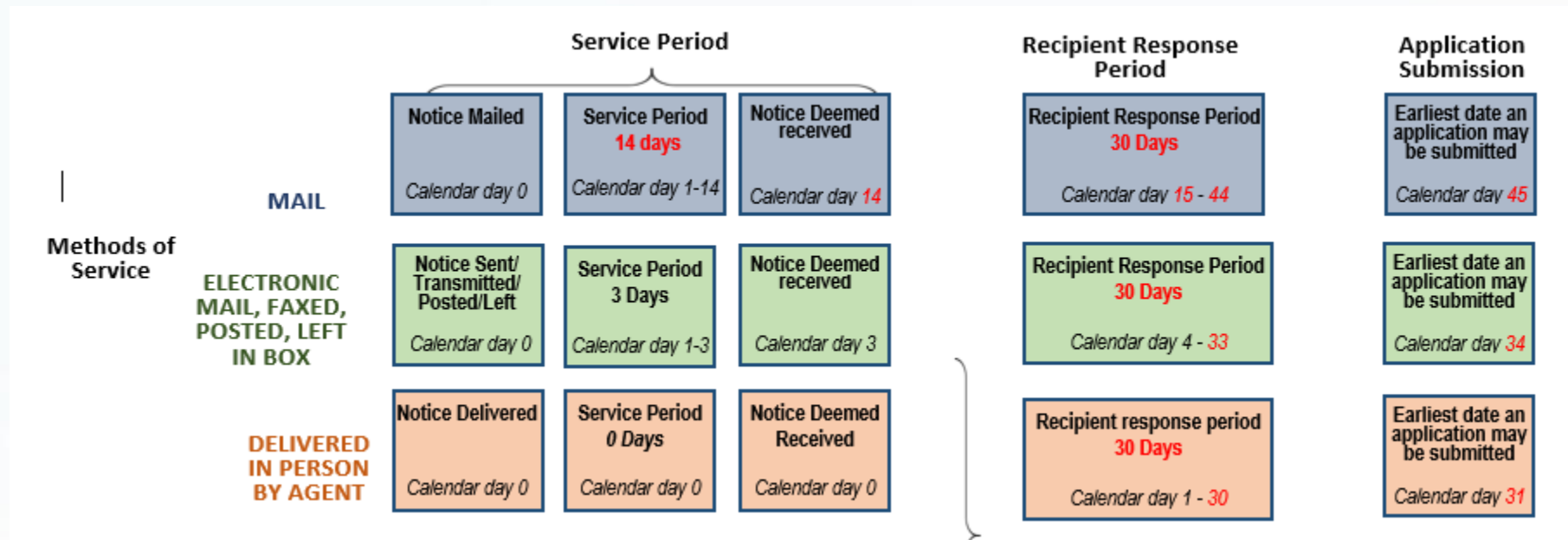
Application Revision Requirements

What about revisions?

- If, on June 01st, a revision to the consultation and notification is required, new timelines will apply
- This includes:
 - ❑ An application not yet submitted as the service and/or response periods have not ended and a revision to consultation and notification is required.
 - ❑ Applications submitted and 'In Review' but require a revision that also requires updated consultation or notification
- ✓ This means Commission review staff will consider RCNR and the amended Service Regulation timelines for revised applications.

Application Submission

Timelines for new applications



Questions?

AMS Application Submission

AMS Application Requirements

Impacts to AMS

- Application requirements as of June 01st
- Validations
- New streamlined workflow for amendments
- New Linelist

Linelist functionality

- When to use new linelists
 - Prior to or on May 31st vs. June 01st onward

The screenshot displays the 'Consultation & Notification Details' section of the AMS application submission interface. The interface includes a navigation bar with tabs for 'Spatial Data', 'Administrative', 'Land', 'Forestry', 'Stewardship', 'Agriculture', 'Archaeology', and 'Consultation & Notification'. Below the navigation bar, the 'Consultation & Notification Details' section contains the following fields:

- Activity: Facility 100000271
- Consultation Radius (m): 1,000.00
- Notification Radius (m): 1,500.00
- General Comments (Optional): Facility is proposed on the existing 9-8-80-14 WSM Wellsite and Surface Lease

Below the comments field, there is a 'Line List Attached' section with an 'Upload' button and a file name 'Facility Linelist - A9-8-80-16.xlsx'. Below this is a 'Line List Details' table with the following columns:

Cross Reference Number	Application Type	Recipient Type	Recipient Name	Engagement Type	Recipient Mailing Address	Recipient Phone Number

Documentation and Guidance

<i>RCNR guidance (will replace Chapter 6 Application manual)</i>	March
<i>Table of concordance</i>	March
<i>Landowner Information Guide</i>	End of May
<i>C&N Fact Sheet</i>	End of May
<i>Oil and Gas Activity Application Manual/</i>	End of May
FAQ's	
<i>Landowner FAQ Document</i>	End of May
<i>FAQ's (Energy Professional section)</i>	End of May
<i>Application Requirements</i>	
<i>INDB – outlining AMS changes</i>	4 – 6 weeks prior to implementation
<i>RCNR Linelist</i>	Early April (possibly sooner)
<i>New RHE Linelist</i>	Early April (possibly sooner)
<i>Table of concordance for RCNR Linelist</i>	Early April
<i>Implementation of changes</i>	tbd
<i>Update AMS manuals and guidance</i>	tbd
<i>AMS Release guide</i>	tbd

QUESTIONS?

Contact information:

For Regulatory questions: Jenny Biem at Jenny.Biem@bcogc.ca

For Pre-Application requirements: Carling Goertzen at Carling.Goertzen@bcogc.ca

For Application or AMS questions: Donna Bozarth at Donna.Bozarth@bcogc.ca



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