



The 2016 Proponent Guide: Overview of Major Changes

Brief Background

The Government of Alberta's Proponent Guide to First Nations and Metis Settlements Consultation Procedures (hereafter referred to as the Proponent Guide) is a guide aimed at providing additional details on the administrative steps, submission standards, and requirements of the consultation process. The Proponent Guide was first mentioned in *The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management* (hereafter referred to as the First Nations Guidelines) and was envisioned as a tool to assist proponents with carrying out procedural aspects of consultation delegated to them by the Government of Alberta. The Proponent Guide is published and managed by the Aboriginal Consultation Office (ACO).

The Proponent Guide was first released in September of 2014 and revised again in February of 2015. This release (June, 2016) marks the second major update to the Proponent Guide.

Application of Proponent Guide

It is important to note that the requirements and procedures outlined in the Proponent Guide are specific to AER administered activities falling under the *Public Lands Act*, *Water Act*, *Environmental Protection and Enhancement Act* and are processed through the Electronic Disposition System (EDS).

Even though the Proponent Guide's application is limited to the activities noted above, it still serves as an important tool to all parties interested in knowing more about Alberta's consultation process and requirements.

Purpose of this Document

This document is intended to provide a general overview of the major changes made in the revised Proponent Guide. This document is not intended to provide a comprehensive overview of all changes made in the Proponent Guide. All parties involved in consultation are encouraged to closely review the Proponent Guide, which is available on the [ACO's webpage](#). First Nations and Metis Settlements are encouraged to refer to the section of this document titled: First Nations and Metis Settlements: Noteworthy Changes.

Major Changes:

The majority of the changes in the updated Proponent Guide were aimed at

- clarifying existing steps and requirements,
- introducing new submission requirements, and
- ensuring the Proponent Guide reflects Alberta's recent implementation of The Government of Alberta's *Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2016* (hereafter referred to as the Metis Settlements Consultation Policy).

Additionally, the overall structure of the Proponent Guide has been overhauled to be representative of the three major stages of consultation: Pre-consultation Assessment, Proponent-led Consultation (referred to as *Consultation Requirements* in the First Nations & Metis Settlements Guidelines), and Adequacy Assessment.

All significant changes made in the Proponent Guide are presented in the sections in which they are found in the Proponent Guide.

Chapter 1: Electronic Disposition System

No notable changes were made to this chapter.

Chapter 2: Pre-consultation Assessment

This chapter has been significantly changed in order to provide clarification on submission requirements for *Public Lands Act* dispositions and *Water Act* and *Environmental Protection and Enhancement Act* activities. More specifically, the section now lists all information proponents must provide when submitting a Pre-consultation Assessment Request.

This information is presented in two tables that indicate how the information should be provided in the EDS and—where applicable—also identify the associated document type that must be selected in the EDS. In addition to the table noted above, further clarification is provided to proponents on information they must provide when they intend to make use of a buffer or are seeking consultation direction on a Surface Materials Exploration (SME) program.

Proponents are advised to carry out a comprehensive review of chapter 2 in order to avoid delays due to incomplete submissions.

Chapter 3: Proponent-led Consultation

Chapter 3 has been significantly changed to provide clarification on

1. general conduct and expectations;
2. information proponents are expected to provide to First Nations and Metis Settlements;
3. documenting and recording consultation activities; and
4. follow-ups, including what constitutes a response for the purposes of determining whether a follow-up is, or is not, required.

These changes are further broken down below by the subsections in which they are found in the Proponent Guide.

3.1 General Conduct and Expectations

This is a new section added to the Proponent Guide and is intended to remind proponents of the Government of Alberta's requirements as it relates to general conduct and expectations during the consultation process. The expectations regarding general conduct in this section are in alignment with both the First Nations Guidelines and *The Government of Alberta's Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, 2016* (hereafter referred to as the Metis Settlements Guidelines).

3.2 Information Package

This section has been slightly changed to provide further clarification on the type and level of information proponents are expected to provide to First Nations and Metis Settlements involved in consultation. Further clarification has been given on how proponents are expected to communicate their use of a consultation buffer to First Nations and Metis Settlements.

3.3 Verification of Delivery

This section has been slightly changed to provide further clarification on the verifiable delivery methods accepted by the ACO.

3.4 Responses and Follow-ups

This is a new section added to the Proponent Guide to clarify when proponents are required to carry out follow-ups. The section provides details on what is considered to be a response and what is considered to be a follow-up for the purposes of determining whether a follow-up is required.

Proponents are reminded that they are responsible for ensuring the information packages sent to First Nations and Metis Settlements adhere to all of the requirements noted in the Proponent Guide.

3.5 Record of Consultation (ROC) Log

This section has been slightly changed to provide further clarification on the ACO's expectation on the type and level of information proponents are expected to provide in the ROC Log. Additionally, this section has been updated to reflect the newly revised ROC Log form that all proponents are required to use when carrying out consultation directed by the ACO. The newly revised ROC Log form can be accessed [on the ACO's webpage](#).

Many Adequacy Assessment Requests are delayed because of errors related to ROC Logs. Proponents are encouraged to closely review section 3.5 in order to avoid delays to their Adequacy Assessment Requests.

3.6 ROC Log Verification

This section has been slightly changed to reflect a new requirement during the ROC Log review period. All ROC Logs sent to First Nations/Metis Settlement for review must now be accompanied by a notice explaining intent of the review, the timelines associated with the review, and the proponent's future plans to request an Adequacy Assessment.

Chapter 4: Adequacy Assessment

The majority of the changes in this chapter occur in section 4.1 and 4.2 provide greater clarification on the ACO's document submission standards and the factors considered by the ACO during the Adequacy Assessment process, respectively.

4.1 Submitting Consultation Record for Review

Section 4.1 has been updated to provide proponents with a greater level of clarity on the ACO's expectations when it comes to document submission standards associated with the Adequacy Assessment stage. This section now includes a table that outlines all the information/documents — including submission standards — that proponents are expected to provide when applying for an Adequacy Assessment Request.

4.2 Adequacy Assessment Review

This section now provides additional details on the factors that the ACO considers in determining the adequacy of consultation. The section highlights the questions that ACO staff contemplate when assessing the adequacy of a proponent's consultation record.

4.3 Adequacy Assessment Decision

No notable changes were made to this section.

Appendices

Appendix A: No significant changes to note.

Appendix B: Major revision of buffers and their application. Buffers now differentiate between polygonal and linear disturbances to provide greater flexibility and application for project proponents.

Appendix C: Significant revision of Letter of No Concerns to provide greater flexibility to First Nations, Metis Settlements, and proponents. This section now provides greater clarity on the requirements that every Letter of No Concerns must have.

Appendix D: No significant changes to note.

Appendix E: Follow-up illustrations have been changed to provide greater clarity.

First Nations and Metis Settlements: Noteworthy Changes

While the Proponent Guide's primary audience is project proponents tasked with carrying out procedural aspects of consultation, it still serves as an important tool for First Nations and Metis Settlements involved in consultation throughout Alberta. Mindful of this reality, the ACO has ensured that all changes made not only provide greater clarity for project proponents, but also strengthen the overall consultation process. One such example of this is the ACO's newest requirement: the ROC Log Review Letter. This requirement was introduced in response to concerns expressed by First Nations about the ROC Log review process. This newest requirement ensures that First Nations and Metis Settlements are clearly informed of their opportunity to review the ROC Log prior to a proponent's request for an adequacy decision. Another change made with First Nations and Metis Settlements in mind is the reduction of the buffer size for linear disturbances. The reduction in buffer was in response to the disproportionate burden the previous buffer placed on First Nations' consultation staff.

Even though the majority of the changes made in the Proponent Guide will have no impact on First Nations and Metis Settlements, they are still encouraged to familiarize themselves with all of the changes made.