

Request for AUC staff feedback on participant involvement program for Indigenous groups

Date:

Instructions and additional references are provided at the end of this form.

Applicant contact information

Company name:	Contact name:
Reference no.:	Contact position:
	Email:
	Phone number:

Project details

Project description:	<p>Check the boxes below that apply to this project.</p> <p>Related approvals from the Alberta government is required:</p> <p><i>Public Lands Act</i></p> <p><i>Water Act</i></p> <p><i>Environmental Protection and Enhancement Act</i></p> <p><i>Historical Resources Act</i></p> <p><i>Government Organization Act</i></p> <p>Other</p> <p>If other, please specify:</p> <p>Has a pre-consultation assessment been conducted by the Alberta government (i.e. Aboriginal Consultation Office)? Yes No</p> <p>If yes, please provide a copy.</p>
Location:	
Land description:	
<p>Crown Private</p> <p>Both Crown and private</p> <p>Metis Settlement</p> <p>First Nation reserve</p>	
If other, please specify:	
	<p>Indigenous access to lands to exercise Section 35 rights:</p> <p>Yes No Unknown</p>

Proximity to Crown land, waterbody, First Nation reserve or Metis Settlement:
Size of the project footprint (in hectares or kilometres):
Provide a summary of the project's potential to affect the environment (e.g., air, water, land, wildlife/waterfowl) and the potential to impact a Section 35 right (hunting, fishing, trapping, traditional uses):
Indigenous groups in the area with whom the Crown normally consults (assessed using the Landscape Analysis Indigenous Relations Tool):
Historic resources sites in close proximity to the project (i.e. HRV 4c): Yes No Unknown
Other information that would be helpful in understanding the project:

Applicant category assessment

<p>Based on your assessment of the potential for the project to affect Section 35 rights, do you believe that direct notice to Indigenous groups is required?</p> <p>Yes No Unsure</p> <p>Provide an explanation for that assessment. Indicate the consultation category type as described in the Commission's draft Indigenous consultation framework:</p>	<p>Check the boxes below that apply to this project:</p> <p>Category A project Crown has determined there is a duty to consult or there are First Nation reserve(s) or Metis Settlement(s) within the consultation radii.</p> <p>Category B project Small projects, projects on private land with little or no off-site impacts, or administrative changes.</p> <p>Category C project Project is not in either Category A or Category B.</p>
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Applicant assessment of need for direct notice

Notice is required or we are uncertain about the need for direct notice and therefore intend on providing direct notice to the following Indigenous groups:

Direct notice is not required based on our assessment for the following reasons:

AUC staff feedback about the Indigenous participant involvement program

Reasonable

Recommendations for enhancement:

Reviewed by:

Date:

Be advised that the above feedback is not a decision or direction of the Commission. It is intended to assist the applicant in its development of a PIP for the project and is non-binding. When the Commission reviews the project application(s), with or without a hearing, it will make any decisions about the adequacy of the consultation that occurred that are required to be made.

Instructions:

The Alberta Utilities Commission has the authority to consider and address potential adverse impacts to Aboriginal and treaty rights as provided in Section 35 of the *Constitution Act, 1982*, when deciding whether approval of a utility project is in the public interest.

A utility project applicant must develop a participant involvement program (PIP) that includes Indigenous groups if there is a potential for the project to affect Section 35 rights. Applicants can fill out this form to request early feedback from AUC staff on the proposed PIP as it relates to Indigenous groups, prior to submitting a project application to the Commission. The AUC is piloting the form and is seeking comments on the format and its effectiveness.

Applicants are responsible for developing the PIP and can seek early feedback on a proposed PIP from AUC staff. The feedback is non-binding and is intended to identify measures that can be taken in the PIP to better support early engagement with potentially affected Indigenous groups and to improve regulatory efficiency. This feedback is not a decision or direction on consultation; when the Commission subsequently reviews the project application(s), with or without a hearing, it will make any decisions about the adequacy of the consultation that occurred that are required to be made.

No legal rights are affected in this approach. Indigenous groups who have concerns about a project still have the opportunity to contact the applicant and request consultation in the pre-application or application stages, even if they were not identified in the feedback provided by AUC staff. Indigenous groups can submit statements of intent to participate if they feel that a project may impact their Section 35 rights, regardless of whether they were contacted or consulted by the applicant.

Tips for filling out this form:

- If the project requires related approvals from the Alberta government it is advisable to have the Aboriginal Consultation Office's pre-consultation assessment(s) prior to submitting this form.
- Direct notice should be provided to an Indigenous group if there is potential to impact its Section 35 rights (e.g., hunting, fishing, trapping and traditional uses).
- The Alberta government's Landscape Analysis and Indigenous Relations Tool (LAIRT) is a useful tool to identify which Indigenous groups the government would recommend for early engagement in an area, and the Commission recommends that applicants use the tool when developing a PIP.

For more information regarding participant involvement programs refer to the guidelines in Rule 007.

Please email the completed form to indigconsult@auc.ab.ca.