**McLeod Lake Indian Band Categorization Worksheet**

Please do not submit. Cut and Paste appropriate portions into the justification portion of the FN Cover Letter

**Purpose:** The Worksheet is a tool to implement the categorization criteria from the Oil & Gas Consultation Agreement (OGCA) in a consistent and transparent way:

* Provides a consistent approach (logic flow) for industry, OGC, and First Nation staff to categorize application, amendment, and revision submissions; and
* Documents the rationale for the appropriate categorization.

**General Principles**

* Minor amendments & new applications with a low risk of potential adverse impacts to Section 35 rights are streamed as Notification;
* Major amendments & new applications are streamed as standard or complex; and
* Pre-submission engagement by industry is encouraged. Meaningful dialogue between industry and First Nation can result in an application that would otherwise be complex, being categorized as standard.

**General Guidance**

Refer to the OGCA for McLeod Lake when categorizing application submissions.

The actual Notification, Complex, and Standard Criteria from the agreements are in *italics* below. The below non-italic text is for guidance only. The particular circumstances of the submission will determine which criteria apply.

Use the tic boxes below to identify the applicable criteria and to indicate attachments.

**Notification Criteria**

New Applications, amendments or revisions are categorized as Notification if the submission information indicates one or more of the below N1 to N Criteria applies.

Please note:  Applications submitted for Notification status must be submitted with a complete rationale detailing why the company feels the application should be classified as Notification. If applicable, this rationale should include the relevant OGC numbers related to the project, when the related projects were consulted on, the project area, the archaeology status, or what the health and safety or environmental benefit to the site will be. Failure to submit a complete application may result in the status being changed to either “Standard” or “Complex” and the application will be delivered to First Nations for full consultation.

*N1. A revision or amendment to an Application which is for improved health and safety or provides an overall environmental benefit at the site;*

* Applies if the project change is an Environmental Upgrade as described in OGC program guidelines.
* The Environmental Upgrade Form for wells is attached. First Nation notification is not required for geophysical environmental upgrades.
* Provide text rationale if the revision, amendment, or field change is a minor project change for improved safety or overall environmental benefit at the site: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*N2. A revision or amendment to an Application which accommodates a MLIB interest identified during consultation;*

Describe the concern or issue and how the concern was mitigated (make reference to written correspondence) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
rationale prepared by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ agency or company\_\_\_\_\_\_\_\_\_\_\_\_\_

*N3.*

*A Application that is entirely within a Review Corridor and which was submitted with an approved Application that has been consulted on in the past two years, with no outstanding concerns;*

WA#\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OGC File#\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*N4. An Application, revision or an amendment (including field change amendments) to an Application which is:*

1. *Immediately off an established access route;*
2. *Requires less than 1 (one) ha. of clearing;*
3. *Is in an area of low archaeological potential or an assessment indicates that no further work is required; and*
4. *Is in an area that has been through the consultation process within the last 2 years on a related project with First NationsMLIB where no site specific concerns were identified.*

* N4 applies if all the N4 sub- criteria are true.
* Sub-criteria #3 indicates that there are no outstanding concerns for archaeological resources and should include an AAIF attachment.
* Use the examples in the OGCA as guidance.
* Examples of sub-criteria # 4 are Review Corridors described in the Pipeline and Facility Manual.

Provide a complete rationale and file #(s) of related projects:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*N5.* An Application, an amendment to an approved Oil and Gas Activity or a revision to an Application, for:

• a subsequent well on an existing pad for which no new land is required where information included with the primary well application, or otherwise communicated during the consultation period on the primary well application indicated that subsequent wells were anticipated or

• an additional pipeline within an existing right of way for which no new land is required;

*N6. An Application, an amendment to an approved Oil and Gas Activity or a revision to an Application for water use, if:*

*• the point of diversion is not within an area established through an order under section 34 or 35 of the Environmental Protection and Management Regulation, BC Reg. 200/2010,*

*• the total withdrawal per point of diversion identified in the Application, or amendment, is less than or equal to 10,000 m3, or*

*• the point of diversion is not located within, as agreed to by OGC and mapped in the OGC's data base, either a sensitive waterbody, or an area of known cultural significance to MLIB.*

Provide a complete rationale:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

N6 applies only if all the N6 sub- criteria are true. Refer to the Commission’s [Interim Consultation Procedures](http://www.bcogc.ca/node/5971/download), Appendix D for a table outlining the complete categorization criteria of short term use of water applications.

**Complex Application Criteria**

New Applications are categorized as Complex if the submission information indicates any of the below Complex Criteria applies

*C1. The Application is located in an area, documented, mapped and accepted by the parties, as a Complex Consultation Zone. These areas will be identified and mapped over time such that the total area documented and accepted by the Parties does not exceed 600 sq. km. at any time during the Term of the Agreement*;

Revisions and amendments to applications in Complex Consultation Zones are categorized as Complex unless they meet N1, N2, or N3 Notification Criteria

*C2*. *The Application is located in a Special* Management *Zone, a Major River Corridor or a Protected Area identified and mapped in approved Land and Resource Management Plans*;

*C3* *An Application for geophysical activity that requires a new cut of greater than 200 ha. or covers an area of greater than 70 sq. km;*

*C4 The Application requires an Environmental Assessment under the EA Act;*

*C5 An Application for a pipeline that has an overall length greater than 15 km long or has a segment greater than 10.0 km. long;*

*C6 The Application is for a low-grade or high-grade access road (not a winter access road) greater than 5 km long;*

*C7* *The Application is for a plant site greater than 2.0 ha; or*

See interpretation of a “gas processing plant” in the [Drilling and Production Regulation](http://www.bclaws.ca/civix/document/id/complete/statreg/282_2010" \l "part1) for a definition of plant site.

C8 An Application for a new well site pad for multiple wells.

Notes-

1. Revisions and amendments to C2 to C7 applications are categorized as Standard if Notification Criteria does not apply (see S4 below)
2. Any Complex Application is categorized as Standard if First Nations has provided notice (letter) that their interests have been accommodated ( see S3 below)

**Standard Application Criteria**

New Applications, amendments, or revision are categorized as Standard if the following criteria are met:

*S1 Does not meet the Notification Criteria; and*

*S2. Does not meet the Complex Criteria;* ***or***

*S3. Where the First Nation has advised that the Applicant has already accommodated its interests in pre-submission engagement on an Application that would otherwise meet the Complex Application Criteria.*

S3 Applies, if notice (letter) has been provided by the First Nation that pre-submission engagement has accommodated their interest. (letter is attached)

*S4. A revision or an amendment to a Complex Application which is outside a Complex Consultation Zone and does not meet any of the Notification Application Criteria.*