



Environmental  
Assessment Office

---

**Guide to Involving Proponents when Consulting First Nations  
in the Environmental Assessment Process**

---

**Prepared by:  
Environmental Assessment Office  
December 2013**

**TABLE OF CONTENTS**

**1.0 KEY TERMS ..... 2**

**2.0 PURPOSE..... 3**

**3.0 BACKGROUND ..... 3**

**4.0 GENERAL PRINCIPLES ..... 4**

**5.0 KEY OBJECTIVES OF CONSULTATION WITH FIRST NATIONS DURING AN EA: .... 5**

**6.0 ROLES AND RESPONSIBILITIES ..... 5**

**7.0 KEY QUESTIONS..... 8**

**8.0 CONFIDENTIALITY: ..... 8**

**9.0 FUNDING TRADITIONAL USE OR PROJECT IMPACT STUDIES ..... 9**

**10.0 CAPACITY FUNDING AGREEMENTS ..... 9**

**11.0 COORDINATED CONSULTATION..... 9**

**12.0 STEPS FOR GATHERING FIRST NATIONS’ INFORMATION .....11**

**13.0 PREPARING FIRST NATIONS CONSULTATION PLANS AND REPORTS .....16**

  

**Appendix A: Sample First Nation Tracking Table for First Nation Concerns and  
Mitigation/Accommodation .....18**

**Appendix B: Sample Communication Log .....19**

## 1.0 KEY TERMS

<b>Aboriginal Interests</b>	A term used in this document to refer to asserted or proven Aboriginal Rights, including Aboriginal Title, and Treaty rights that require consultation and, if appropriate, Accommodation.
<b>Aboriginal Rights</b>	Practices, customs or traditions integral to the distinctive culture of the First Nation claiming the right prior to European contact. Examples may include hunting, fishing and gathering.
<b>Aboriginal Title</b>	A subcategory of Aboriginal Rights that is a unique interest in land that includes a right to exclusive use and occupation of that land. A claimant must prove its exclusive occupation of land as of the date that the Crown asserted sovereignty (1846 in British Columbia).
<b>Accommodation</b>	Accommodation refers to avoiding, mitigating or otherwise addressing an impact of a proposed project on Aboriginal Interests. Accommodation is determined through the consultation process and is used by the Crown to balance the potential impacts to Aboriginal Interests with other societal interests.
<b>First Nation</b>	Among its uses, the term “First Nations peoples” refers to the Indian peoples of Canada, both those with status under the federal <i>Indian Act</i> and those without.
<b>Proponent</b>	A person, company or organization that proposes a project that requires a provincial environmental assessment.
<b>Treaty</b>	A solemn agreement between government and a First Nation that defines the rights of aboriginal peoples with respect to lands and resources over a specified area, and may also define the self-government authority of a First Nation. In BC, treaties may be historic agreements dating from the mid or late 1800s, or modern “final agreements,” which have been ratified by Canada, BC and the First Nation(s).
<b>Valued Component</b>	In the context of an environmental assessment, Valued Components are components of the natural and human environment that are considered by the Proponent, public, Aboriginal Groups, scientists and other technical specialists, and government agencies involved in the assessment process to have scientific, ecological, economic, social, cultural, archeological, historical, or other importance. Valued Components are used to define the potential effects of a proposed project that warrant detailed consideration in the environmental assessment. Potential effects on the Valued Components are ultimately used by Environmental Assessment Office for the assessment of a proposed project. See: Guideline for the Selection of Valued Components and Assessment of Potential Effects.

## 2.0 PURPOSE

This guide clarifies the roles and responsibilities of the provincial government (also referred to as the “Crown”) and Proponents in First Nation consultation throughout an environmental assessment (EA) process, setting the stage for successful relationships between the government, Proponents and First Nations.

### Treaty First Nations:

Throughout the document, information pertaining to the specifics of consulting with Treaty First Nations is included in text boxes for ease of reference. A Proponent that is contemplating a project that may impact a First Nation with a Treaty should seek guidance from Environmental Assessment Office (EAO) on how the treaty relates to the EA. During the course of the EA, EAO will provide clear direction to the Proponent on how to assist the Province in fulfilling the Crown’s obligations with respect to Treaty rights.

## 3.0 BACKGROUND

EAO manages the assessment of proposed projects in BC. The assessment process examines proposed projects for potential adverse environmental, economic, social, heritage and health effects that may occur during the life cycle of these proposed projects.

The Province of British Columbia has a duty to consult and where required, accommodate First Nations whenever a decision or activity could impact Treaty rights or asserted or established Aboriginal Rights and Title. This duty stems from Canadian common law as expressed in court decisions. In the case of asserted Aboriginal Rights and Title, the scope of consultation is based on an assessment of the strength of claim, and the seriousness of potential impacts upon the asserted rights. In the case of proven Aboriginal Rights or Treaty rights, the scope of consultation is based on the seriousness of the potential impact on the right.

The EA process leads to a decision on whether to issue an Environmental Assessment Certificate to a Proponent and accordingly attracts the duty to consult and where required accommodate.

EAO’s relationship with First Nations is based on respect for Aboriginal Interests and the honour of the Crown, and is guided by the results of court cases. EAO is committed to working constructively with First Nations to ensure that the Crown fulfills its duties of consultation and Accommodation.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, it may delegate the procedural aspects of consultation to Proponents.

Procedural delegation to Proponents can benefit the EA process as Proponents are often in a better position to explain their proposals and address any First Nation concerns. In addition, early and meaningful engagement provides greater opportunities for developing plans that avoid impacts to Aboriginal Interests and are more responsive to the broader interests and values of First Nations.

Generally, the “procedural aspects” refer to the direct engagement component of consultation that involves sharing and discussing information. More specifically, it includes:

- Providing information about the proposed project to First Nations early in planning process;
- Obtaining and discussing information about specific Aboriginal Interests that may be impacted with First Nations;
- Considering modifications to plans to avoid or mitigate impacts to Aboriginal Interests; and
- Documenting engagement, specific Aboriginal Interests that may be impacted and any modifications to address concerns and providing this record to EAO.

Procedural delegation does not include authority to make decisions with regard to the Crown’s duties to consult and accommodate including:

- The strength of a First Nation’s claimed Aboriginal Rights or Title;
- Whether Crown decisions regarding a proposed project represents potential infringements of Treaty rights; or
- The adequacy of the Crown’s duty to consult and accommodate.

Similarly, in the case of Treaty First Nations, procedural delegation does not include making legal determinations about whether Crown decisions regarding the proposed project represent potential infringements of the terms of the Treaty.

#### **4.0 GENERAL PRINCIPLES**

Proponents should seek to engage with First Nations regarding the following and other topics as appropriate:

- Potential impacts to Aboriginal Interests;
- The type of information required to assess those potential impacts; and
- Methods of gathering information (e.g. discussions with the Chief and Council, involvement of First Nations’ technical staff regarding opportunities for First Nations participation in the EA, including traditional use or other studies, community meetings, etc).

Proponents are encouraged to involve First Nations early in the establishment of baseline studies and study boundaries, and to establish Valued Components that pertain to Aboriginal Interests for purposes of assessment during the EA.

Where proven Aboriginal Rights have been determined by a court, EAO will identify the location and scope of those rights and provide this information to Proponents early in the EA process.

## **5.0 CONSULTATION OBJECTIVES:**

The key objectives of consultation with First Nations during an EA are:

- Determining the Aboriginal Interests that may be impacted by a proposed project. Where appropriate, Aboriginal Interests should be linked to the Valued Components being assessed in an EA.
- Developing an information-gathering plan to identify the information needed to assess potential impacts to Aboriginal Interests.
- Exchanging information with First Nations regarding Aboriginal Interests and potential impacts of the proposed project to those Aboriginal Interests in a way that is consistent with any aboriginal consultation plans that may be required under a section 11 Order (e.g. community meetings, discussion with Chief and Council, etc).
- Ensuring that First Nations understand the opportunities for consultation available to them throughout an EA so that potential impacts to Aboriginal Interests are adequately assessed and mitigated or otherwise addressed.
- Responding to feedback received from First Nations on potential impacts to Aboriginal Interests.
- Developing solutions with First Nations regarding ways to avoid or reduce potential impacts to Aboriginal Interests.

## **6.0 ROLES AND RESPONSIBILITIES**

### **EAO**

EAO is responsible for ensuring that the Crown's duty to consult with First Nations is fulfilled through EAO's own consultation and through engagement undertaken by a Proponent at the direction of EAO. To support a Proponent's consultation efforts, EAO will:

- At an early stage of the EA, review existing ethno-historical information and make an initial assessment of any asserted Aboriginal Rights or Aboriginal Title, an initial assessment of potential impacts on those Aboriginal Interests and of the appropriate level of consultation during the EA, seeking First Nation input and additional information;
- Based on review of information available, provide specific direction to the Proponent regarding First Nation consultation through a

section 11 Order usually issued within 45 days of initiating an EA<sup>1</sup>;

- Provide the Proponent with information regarding other relevant agreements between the Crown and a First Nation that may inform consultation;
- Verify that the Proponent has the appropriate list of First Nations that assert Aboriginal Interests or have proven rights or Treaty rights in the proposed project area;
- Advise the Proponent of which First Nations must be engaged and the appropriate depth of engagement for each;
- Advise First Nations on available capacity funding to support their participation in an EA process;
- Where requested, advise Proponents on the appropriateness of additional studies requested by First Nations, including Traditional Use Studies (TUS);
- Advise Proponents on determining appropriate methods for gathering information on Aboriginal Interests;
- Regularly monitor progress of the consultation through Proponent consultation plans and reports;
- Where appropriate, meet directly with potentially affected First Nations to address issues related to Aboriginal Interests that cannot be resolved by the Proponent or which are beyond the scope of the EA;
- Assess the adequacy of consultation and any proposed Accommodation based on the strength of any asserted Aboriginal Rights or Aboriginal Title and the seriousness of potential adverse effects to those Aboriginal Interests; and
- Provide consultation summaries and Aboriginal Consultation reports to provincial agencies involved in concurrent or subsequent permitting.

#### Treaty First Nations:

EAO will provide Proponents with information about consultation requirements with respect to Treaty First Nations, where the Treaty rights of that First Nation may be affected by a proposed project.

### **Proponent**

EAO will clearly indicate its expectations of Proponents in relation to First Nations and the Crown's duty to consult. As noted above, although the legal duty to consult with First Nations lies with the Crown, EAO usually delegates some procedural aspects of consultation to Proponents through a section 11 Order or other direction provided by EAO. This may include directing Proponents to:

- Identify Aboriginal Interests that may be affected by a proposed project;

---

<sup>1</sup> The timing of the final s.11 order may vary depending on the number of First Nations impacted; their capacity to respond to the draft s.11 order and whether sufficient information is readily available to identify the First Nations to be consulted and the depth of consultation required.

- Provide First Nations with all relevant information about the proposed project;
- Involve First Nations in relevant studies including, for example, archaeological field work;
- Incorporate community and traditional knowledge, where appropriate, into baseline studies;
- Gather information about how Aboriginal Interests may be impacted by a proposed project;
- Identify and develop Accommodation measures to prevent, mitigate or otherwise address potential effects on Aboriginal Interests; and
- Document and report to EAO the results of the Proponent's consultation with First Nations at specific stages of the EA.

The topic of Aboriginal Title will likely be raised by First Nations in discussions with Proponents. Although, it is not a Proponent's responsibility to provide an analysis of the strength of claim to Aboriginal Title or Rights as part of procedural delegation, Proponents should provide to EAO any information they receive in relation to the historic use and occupation by First Nations of the proposed project area around the time of contact with Europeans and at sovereignty (1846).

Treaty First Nations:

Pursuant to the section 11 Order or other direction provided by EAO, a Proponent may be directed to gather information about how First Nations' Treaty rights may be impacted by the proposed project and how such impacts should be assessed, and to identify and develop measures to avoid, mitigate or otherwise address potential impacts on First Nations' Treaty rights where appropriate.

Treaty First Nations:

A Proponent should focus on developing a comprehensive understanding of First Nation Treaty rights that may be impacted by the proposed project. In addition to potential impacts to Treaty rights, a Proponent should provide to EAO, and respond to, any comments from Treaty First Nations about potential environmental, economic, health, social and heritage effects (that is, interests which are not necessarily related to Treaty rights but which are related to the five pillars of the EA process).

**First Nations**

There is a reciprocal responsibility of First Nations to participate in the consultation process in good faith, to make their concerns regarding impacts on their Aboriginal Interests known and to respond to government's effort to consult.



## 7.0 KEY QUESTIONS

Early in the EA process, Proponents should discuss the following questions with First Nations in relation to the proposed project area:

1. What practices, traditions, or customs were engaged in by First Nations in the past (at time of contact or 1846) in the vicinity of, or in relation to, the area in which the proposed project would be situated?
2. What practices, traditions or customs are currently engaged in by First Nations in that area?
3. How might the proposed project potentially impact the practices, traditions or customs identified above?
4. What measures could be used in the proposed project design or operation to avoid, mitigate or otherwise address those potential impacts?
5. What are the opportunities for all or some of the identified practices, traditions and customs to be engaged in elsewhere within the First Nation's asserted traditional territory? What are the First Nation's views as to whether these practices would still be meaningful if engaged in elsewhere within the traditional territory?

### Treaty First Nations:

A Proponent should discuss with Treaty First Nations the information to be included in the EA application regarding the First Nation and its Treaty rights. Specifically, the following questions should be discussed in relation to the proposed project area:

1. What rights identified in the Treaty may be impacted by the proposed project?
2. Does the First Nation have other comments or concerns about the proposed project?
3. What Accommodation measures could be developed during the EA to avoid, minimize or otherwise address potential impacts to the above-identified Treaty rights?
4. Are there also ways to address any other concerns regarding this proposed project raised by the First Nation?

## 8.0 CONFIDENTIALITY:

From time to time, First Nations may request that certain documents be treated as confidential. EAO does not generally accept documents on this basis, as it is usually necessary for EAO to share information with Proponents, other First Nations and working group members for reasons of administrative fairness. EAO's records are also subject to disclosure under the *Freedom of Information and Protection of Privacy Act*.

If a First Nation or Proponent believes there are compelling reasons why certain information submitted to EAO should not be shared with other parties, should not be

included in EAO reports or should not be posted on the EAO website, they should contact EAO staff as early in the review as possible.

In most cases, concerns about disclosing sensitive information can be addressed by presenting the information in a manner that addresses the EA's information requirements while respecting concerns regarding public disclosure. For example, for culturally significant sites, the information could be described in public documents without disclosing specific locations. In cases where it is not possible to reach agreement on such matters, EAO will provide reasons for its position in advance of sharing or disclosing information.

For the above reasons, Proponents should not agree to keep information confidential that is relevant to fulfilling the procedural aspects of consultation delegated to them under the section 11 Order without first consulting EAO.

## **9.0 FUNDING TRADITIONAL USE OR PROJECT IMPACT STUDIES**

TUS or project impact studies may provide valuable information about a First Nation's past land use and potential impacts of a proposed project. EAO does not require Proponents to fund traditional use or other studies, but Proponents may wish to do so to assist in identifying potential impacts of a proposed project with respect to a First Nation's practices, traditions or customs.

## **10.0 CAPACITY FUNDING AGREEMENTS**

There is no obligation for a Proponent to provide capacity funding to a First Nation as part of the consultation process, nor will the Province direct that such funding be provided by a Proponent to a First Nation.

Nevertheless, to help inform the consultation process and to avoid potential impacts to Aboriginal Interests resulting from an application, a Proponent may choose to provide funding as part of a business arrangement with a First Nation.

EAO encourages Proponents to have early discussions with First Nations to determine what reasonable capacity funding would assist a First Nation to support its review of technical information and, based on such discussions, establish capacity funding (or EA Participation) agreements. Capacity funding agreements assist First Nations in participating in the EA process in an effective and timely way. They should not be confused or combined with any economic benefit agreements. The Province does not provide advice to Proponents regarding capacity funding arrangements with a First Nation.

## **11.0 COORDINATED CONSULTATION**

EAO is committed to coordinating consultation with the Canadian Environmental Assessment Agency, other federal agencies, and provincial authorizing agencies including the Oil and Gas Commission to ensure that consultation is consistent, efficient and respectful of First Nations' and Proponents' time and capacity. EAO project teams

will make available all aboriginal consultation records and reports to consultation coordinators from the Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Aboriginal Relations and Reconciliation to foster a single, seamless consultation process throughout the life of a proposed project, starting with the pre-EA authorization phase and continuing through to the post-EA authorization phase.

## 12.0 STEPS FOR GATHERING FIRST NATIONS' INFORMATION

The following is a list of recommended steps to assist proponents in undertaking the First Nations consultation activities that are typically delegated to them by EAO. This list is intended as general guidance; project-specific direction will be provided by the EAO Project Lead.

Environmental Assessment Process	Proponent Consultation Steps	Consultation Tools/Guides
<p><b>Project Description</b></p>	<ul style="list-style-type: none"> <li>Review the iMap public Consultative Areas Database, to determine which First Nations have Aboriginal Interests in the proposed project area.</li> <li>Review consultation guidance provided by EAO, including this guide (see list in the column at right).</li> <li>Meet with First Nations to explain the proposed project and introduce the Proponent (if this has not already occurred prior to initiating an EA).</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Updated Procedures for Meeting Legal Obligations When Consulting with First Nations</a></li> <li><a href="#">Pronunciation Guide for BC First Nations</a></li> <li><a href="#">Public Consultative Areas Database</a></li> <li><a href="#">EAO User Guide (Environmental Assessment Office User Guide)</a></li> <li><a href="#">EAO Service and Fairness Code</a></li> <li><a href="#">Guide to Involving Proponents when Consulting First Nations</a></li> <li><a href="#">Remote Access to Archaeological Database</a></li> <li><a href="#">Building Relationships with First Nations: Respecting Rights and Doing Good Business</a></li> </ul>
<p><b>Issuance of section 10 Order</b></p>	<ul style="list-style-type: none"> <li>Meet with EAO to discuss consultation expectations and initial views on the First Nations with which to focus discussions and engagement.</li> </ul>	

Environmental Assessment Process	Proponent Consultation Steps	Consultation Tools/Guides
<p><b>GOAL</b>            By this point, the Proponent should have met with each First Nation (providing the First Nations wish to meet) to begin the dialogue on potential impacts to Aboriginal Interests from the proposed project.</p>		
<p><b>Development of section 11 Order</b></p>	<ul style="list-style-type: none"> <li>• Continue to exchange information with First Nations relating to the proposed project and potential impacts to Aboriginal Interests.</li> </ul>	
<p><b>Finalization of section 11 Order</b></p>	<ul style="list-style-type: none"> <li>• As directed in the section 11 Order, seek input from the First Nations regarding potential impacts to Aboriginal Interests from the proposed project.</li> <li>• Ensure a full understanding of the requirements of the section 11 Order as it relates to the procedural aspects of consultation that have been assigned to the Proponent.</li> <li>• If possible, establish an agreed upon consultation approach with First Nations for obtaining the necessary information from appropriate knowledge-holders.</li> <li>• Consider, as appropriate, any requests from First Nations for capacity funding, traditional use, project impact studies or other studies.</li> <li>• Submit an interim Pre-Application Consultation Plan to EAO shortly after the issuance of a section 11 Order (typically within 30-60 days).</li> </ul>	

Environmental Assessment Process	Proponent Consultation Steps	Consultation Tools/Guides
<p><b>GOAL</b>            By this point, the Proponent should have a clear understanding of EAO's expectations regarding First Nations consultation. The Proponent should have met with each First Nation to determine the specifics of how the First Nations wish to be consulted and to discuss potential impacts to Aboriginal Interests from the proposed project.</p>		
<p><b>Application Information Requirements Development and Approval</b></p>	<ul style="list-style-type: none"> <li>• Discuss with the First Nations and EAO which measures could be used in the proposed project's design or operation to avoid, reduce or eliminate potential impacts to Aboriginal Interests. Note: The development of Accommodation measures for potential impacts to Aboriginal Interests continues throughout the EA process. When possible, it is preferable if those Accommodation measures that involve project redesign are agreed upon, prior to the issuance of the Application Information Requirements, to ensure all appropriate requirements are included. If necessary, the EAO Project Lead may assign additional information requirements after the approval of the Application Information Requirements.</li> <li>• Continue to consult with First Nations regarding potential impacts to their Aboriginal Interests.</li> <li>• Submit an updated Pre-Application First Nations Consultation Plan to EAO for approval, as per the section 11 Order.</li> <li>• Submit an interim Pre-Application Consultation Report.</li> </ul>	

Environmental Assessment Process	Proponent Consultation Steps	Consultation Tools/Guides
<p><b>GOAL</b>            The Proponent should be able to identify how the Application Information Requirements, and if applicable, the proposed project, have altered, due to First Nations consultation. Through consultation with First Nations, the Proponent should have developed a preliminary list of Accommodation measures to address potential impacts to Aboriginal Interests from the proposed project. Where possible, the Proponent should discuss the proposed Accommodation measures with the First Nations to determine if the measures substantially address impacts to Aboriginal Interests from the proposed project.</p>		
<p><b>Application Evaluation (Screening)</b></p>	<ul style="list-style-type: none"> <li>Continue to consult with First Nations regarding potential impacts to their Aboriginal Interests. Submit Pre-Application Consultation Report and Application Review Consultation Plan to First Nations and EAO as required by the section 11 Order.</li> </ul>	
<p><b>GOAL</b>            The Proponent should have a clear understanding of all potential impacts to Aboriginal Interests from the proposed project and how the Proponent intends to mitigate these potential impacts. If the Proponent has any concerns regarding First Nations consultation, the Proponent should proactively bring these issues to the attention of EAO, prior to the beginning of Application Review.</p>		
<p><b>Application Review</b></p>	<ul style="list-style-type: none"> <li>Submit consultation reports to First Nations and EAO as required by the section 11 Order.</li> <li>Continue to consult with First Nations regarding potential impacts to their Aboriginal Interests.</li> <li>Finalize with the First Nations and EAO which measures will be used in the proposed project design or operation, to avoid, reduce or eliminate those potential impacts.</li> <li>Clearly identify Accommodations directly tied to a First Nation's Aboriginal Interests, including any modifications to the proposed project.</li> </ul>	

Environmental Assessment Process	Proponent Consultation Steps	Consultation Tools/Guides
<p><b>GOAL</b> By this point, the Proponent should be able to clearly articulate how the proposed project has changed to address potential impacts to Aboriginal Interests. It is critical that any outstanding consultation-related issues be brought to the attention of EAO.</p>		
<p><b>Referral to Ministers and Decision</b></p>	<ul style="list-style-type: none"> <li>Continue to keep the First Nations informed about any developments of the proposed project.</li> </ul>	
<p><b>Knowledge Transfer to FLNRO One Process First Nations Consultation Coordinator</b></p>	<ul style="list-style-type: none"> <li>Re-connect with the Ministry of Forests, Lands and Natural Resource Operations Consultation Coordinator to develop a plan for any post-EA permitting consultation.</li> </ul>	
<p><b>Compliance</b></p>	<ul style="list-style-type: none"> <li>As required by the EA Certificate, continue to engage with First Nations throughout the construction, operation and decommissioning of the project.</li> </ul>	



## **13.0 PREPARING FIRST NATIONS CONSULTATION PLANS AND REPORTS**

EAO typically requires Proponents to provide plans and reports on consultation activities throughout the EA. A First Nation Consultation Plan and corresponding report will be required as directed within the section 11 Order in both the Pre-Application and the Application Review phases of the EA.

### Key Components of a First Nation Consultation Plan

A consultation plan should be developed for each First Nation as directed in the section 11 Order. The plan should articulate how the Proponent and the First Nation will interact, including, but not limited to:

- key contacts from both the Proponent and First Nation;
- standards or objectives for First Nation consultation;
- proposed consultation methods and tools;
- issue identification (Aboriginal Interests), tracking and reporting, including consideration of comments/issue resolution (see sample table, Appendix A);
- protocols for sharing information (including consideration of confidential information);
- timelines for review of material;
- protocols for meetings; and
- protocols for collecting and validating information.

### Key Components of a First Nation Consultation Report

A First Nation Consultation Report should illustrate how the objectives outlined in the Consultation Plan have been met. Key components include:

- a summary of consultations with First Nations identified by EAO;
- any modifications to the consultation plan for individual First Nations based on the results of consultation to date;
- a summary table for each First Nation, listing issues raised, the Proponent's responses to those issues and the status of each issue (see sample table, Appendix A);
- a list of mitigation and accommodation measures the Proponent has implemented or committed to, regarding Aboriginal Interests and the extent to which the measures address Aboriginal Interests; and
- an appendix containing comments received from First Nations on the report.

### Timing of First Nation Consultation Plans and Reports

Periodically, the Proponent will be asked to summarize the plans for, and results of, consultation. Generally, these reports will be required at the following points in the EA:

- Pre-Application Consultation Plan, shortly after the issuance of a section 11 Order (typically within 30-60 days);
- Interim Pre-Application Consultation Report and updated Pre-Application Consultation Plan, after the public comment period on the Application Information Requirements (typically within 30-60 days);
- Pre-Application Consultation Report and Application Review Consultation Plan when the application is submitted; and
- Application Review Consultation Report after the public comment period on the Application (up to 30 days).

All reports must be provided to the First Nation to which the report refers for review and comment prior to submission to EAO. EAO requires the Proponent to demonstrate how First Nation input was considered.

## Appendix A: Sample First Nation Tracking Table for First Nation Concerns and Mitigation/Accommodation

First Nation	Consultation Stage (before EA; pre-Application; Application Review)	Aboriginal Interest	Analysis of potential project impacts related to the concern identified	Proposed Mitigation/Accommodation	Status of Concern (e.g. resolved/ outstanding/ undertaking specific study)
		Describe the nature, extent and location of the Aboriginal Interests being considered.	<p>Briefly summarize the potential project impacts including the type, severity, permanence, size and location and how impacts may affect the Aboriginal Interest being considered.</p> <p>Include both the Proponent and First Nation's views on the potential impacts. If the Proponent disagrees with the First Nation's assessment of potential impact, provide an explicit rationale for the disagreement.</p> <p>Create a new row for each impact or proposed mitigation/Accommodation measure relating to the same Aboriginal Interest.</p>	<p>Identify any mitigation/Accommodation measures proposed to address the specific Aboriginal Interest.</p> <p>Describe any First Nation views on the proposed mitigation/Accommodation measures that relate to a particular impact or Aboriginal Interest.</p> <p>If there is a suite of options for mitigation/Accommodation to address a single Aboriginal Interest, list each individual option in a separate row.</p> <p>Mitigation/Accommodation should demonstrate specifically, the Aboriginal Interest raised and how the Proponent considered the concern in the context of any proposed mitigation/Accommodation measures.</p>	

## Appendix B: Sample Communication Log

First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Method of Communication	Date	Comments
				Describe the nature of the communication, materials shared and results of the communication. Record specific issues in the Aboriginal Interests and Mitigation tracking table. Include hard copies of supplied information.