



CONSULTATION AND NOTIFICATION MANUAL February 2014

Version 1.19

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Manual Revisions

Summary of Revisions

The Consultation and Notification Manual has been updated. Changes by section in the updated manual are highlighted below.

Effective Date	Section	Description/Rationale
1-March-2013	Section 2	Added clarity to Information to be Provided to the Recipient (p.8).
	Section 7	Added clarity to Major Amendments information (p.30).
	Section 8	Added clarity to Block B & C information (p.35).
1-July-2013	Section 8	Added clarity to Written Report Line List section including, Recipient Address and Distance to Consultation/Notification Feature (p.38).
	Section 2	Updated Chapter 2, who must provide consultation or notification and who does not have to provide consultation or notification to reflect the Oil and Gas Road Regulation (p.5).
	Section 3	Updated Table 3.1 and 3.2, to reflect road construction distances (p.18 & 19).
1-August-2013	Section 4	Removed the Prior to the Consultation and Notification Process section (p.23).
1-December-2013	Section 8	Updated the Written Report Line List instructions to reflect the changes made to the template (p.36).
6-February-2014	Section 2	Changed "Refer to Section 4" to "Refer to Section 3" under sub-heading "Who must provide consultation or notification?" (p.5)
	Section 8	Added cross reference requirement for Consultation and Notification Map (p. 33, 35)

1 Preface

Purpose

This manual was developed to provide additional clarification of Consultation and Notification requirements and processes established under the Consultation and Notification Regulation to oil and gas companies, and those affected by oil and gas activities.

This manual is not intended to take the place of the applicable legislation. The user is encouraged to read the full text of legislation and each applicable regulation and seek direction from Commission staff, if and when necessary for clarification.

This manual does not provide information on legal responsibilities outside of the Commission's jurisdiction. It is the responsibility of the applicant to be familiar with and uphold its other legal responsibilities.

This manual outlines the minimum legal requirements for consultation and notification.

Scope

This manual focuses exclusively on requirements and processes associated with the Commission's legislative authorities, and does not provide information on legal responsibilities that the Commission does not regulate. It is the responsibility of the applicant or permit holder to know and uphold its other legal responsibilities.

How to Use This Manual

The Consultation and Notification Manual provides detailed information on how to conduct consultation and notification.

Beginning with the Consultation and Notification Overview, the manual first provides information that applies to both consultation and notification. Sections 4 and 5 provide detailed information that applies exclusively to each type of engagement. Sections 6 and 7 detail requirements after initial engagement. Section 8 details the requirements for submitting a Written Report to the Commission.

- Section 2 Consultation and Notification Overview** provides the basic information required to conduct both consultation and notification activities.
- Section 3 Calculating Consultation and Notification Distances** provides information on how to calculate consultation and notification distances in conjunction with EPZ requirements.
- Section 4 Notification** provides detail on steps that are unique to the notification process, including who must be notified, and notification before entry when fixing the site of the pipeline.
- Section 5 Consultation** provides detail on steps that are unique to the consultation process including who must be consulted, including consultation in municipalities and consultation with Forest Act rights holders.
- Section 6 Replying to Recipients** describes what steps must be taken and what information must be provided when replying to the recipient.
- Section 7 Revisions and Amendments** covers significant revisions, consultation after revision and amendment requirements.
- Section 8 Written Report** details what is required when submitting the Written Report to the Commission and includes information on how to complete each deliverable, including the Written Report Cover Sheet, Written Report Line List, Consultation and Notification Map.
- Section 9 Extensions** provides a summary of how consultation and notification is applied to permit extensions.
- Section 7 Compliance** provides a summary of compliance expectations and potential penalties associated with non-compliance.

Additional Guidance

The [Consultation and Notification Recipient Guide](#) (scheduled for release in March, 2011) is a source of information that can be used as a reference for any party who receives an Invitation to Consult or notification concerning oil and gas activity.

The [glossary](#) page on the Commission website provides a comprehensive list of terms.

The appendices contain documents to be used as reference when compiling information required by the Commission.

Hyperlinks: Hyperlinked items appear as blue, underlined text. Clicking on a hyperlink takes the user directly to a document or location on a webpage.

Sidebars: Sidebars highlight important information such as a change from an old procedure, new information, or reminders and tips.

Figures: Figures illustrate a function or process to give the user a visual representation of a large or complex item.

Tables: Tables organize information into columns and rows for quick comparison.

Frequently Asked Questions

A [Frequently Asked Questions](#) (FAQ) link is available on the Commission OGAA website. The information provided is categorized into topics which reflect the manuals for easy reference.

Feedback

The Commission is committed to continuous improvement by collecting information on the effectiveness of guidelines and manuals. Clients and stakeholders wishing to comment on Commission guidelines and manuals may send constructive comments to OGC.Systems@bcogc.ca.

2 Consultation and Notification Overview

OGAA and the Consultation and Notification Regulation require oil and gas applicants to conduct consultation and/or notification with recipients prior to submitting an application for activity.

In addition to the requirements listed in this manual, Commission staff may request additional information to complete their review.

Who must provide consultation or notification?

As of June 3, 2013, construction and maintenance of an oil and gas road are considered oil and gas activities under the Oil and Gas Activities Act.

Any person intending to submit an application for a prescribed oil and gas activity permit, including applications for major amendments and permit extensions, must carry out the prescribed consultation or provide the prescribed notices, as per the Consultation and Notification Regulation prior to submission of the application.

Additionally, any person intending to submit an application to carry out maintenance activities on an oil and gas road on private land or Crown land where there is a lease or licence for intensive use or occupation, must carry out the prescribed consultation or provide the prescribed notification prior to submission of the application.

The Consultation and Notification Regulation does not apply to related activities as defined under the Act. Refer to Section 3 of the [Crown Land Application Manual](#) for specific information regarding rights holder engagement on Crown Land Applications.

Who does not have to provide consultation or notification?

When not located on property owned by the landowner (typically Crown land), certain activities or temporary structures not intended for continued use do not require consultation or notification. These are:

- Water or gas pipeline for well testing
 - if the pipeline is located on the surface of the wellsite and

- the pipeline is not for use after the associated well is constructed
- Operating a pipeline
- The maintenance of an oil and gas road on Crown land

Potential Recipients of Consultations or Notification

Depending on proximity to the proposed activities and other factors (see [Determining Consultation and Notification Obligations](#)), permit holders may have to consult or notify the following persons or entities:

- Band councils for First Nation Indian Reserves, under C&N Regulation Section 4 (1) (d).
- The Government of Canada, under C&N Regulation Section 4 (1) (c).
- Landowners, under C&N Regulation Section 4.1(a),(e).
- Local authorities, under C&N Regulation Section 4 (1) (b).
- Ministry responsible for administering the Transportation Act, under C&N Regulation Section 4 (3).
- Municipal Councils, under C&N Regulation Sections 4 (3) and 4 (4).
- Persons who have entered into agreement with a landowner to rent a residence or a structure used for livestock on the land under C&N Regulation Section 4 (1) (f).
- Person, other than Landowner in section 4(1)(a) who is registered owner of land surface or as its purchaser under an agreement for sale, under C&N Regulation Section 4 (1) (e).
- Rights holders under Consultation and Notification Regulation Section 4 (g).

Differentiating between Landowners and Rights Holders

Landowners

A landowner is:

- A person registered in the land title office as the registered owner of the land surface or as its purchaser under an agreement for sale, and
- A person to whom a disposition (the disposition of Crown land involves either the lease or rental of property or its outright sale) of Crown land has been issued under the Land Act

A landowner is not:

The Government, or a person who holds a permit for Temporary Occupation of Crown Land or a Licence of Occupation for non-intensive occupation.

Notification When Fixing the Site of a Pipeline (Notice Before Entry)

If entry onto private land is required to determine the location of a proposed pipeline, notification is required two days before entirety (under Section 23 of OGAA).

Rights Holders

A rights holder is a person granted non-intensive occupation or use of Crown land by permit, license or approval as indicated in Table 2.0.

Table 2.0 Rights holders under various legislation.

Legislation	Permission
Land Act	Temporary Occupation of Crown Land, non-intensive use Licence of Occupation, non-intensive use
Forest Act	Forest licence Forestry licence to cut (major) Community forest agreement Timber sale licence Tree farm licence Woodlot licence
Range Act	Grazing permit Grazing license
Wildlife Act	Guide outfitter's licence Guiding territory certificate for Crown land Registered trapline
Mineral Tenure Act	Mineral claim
Water Act	Water licence

The document [A Practical Guide to Effective Coordination of Resource Tenures](#) provides a helpful description of resource tenures in B.C.

Best Practices

The Commission considers recreation sites established under Section 56 of the Forest and Range Practices Act as tenure holders. For these tenures, the applicant should contact the Ministry of Tourism, Culture and the Arts.

The Province also makes every effort to ensure that resource management is coordinated. A description of collaboration between tenure holders is provided in [A Practical Guide to Effective Coordination of Resource Tenures](#).

The [Oil and Gas Trapper's Notification and Compensation Program](#) is a useful tool for industry and trappers and sets out conditions for both parties.

Information to be Provided to the Recipient

Consultation and Notification Documentation Requirements

Both an Invitation to Consult and notice documents provided to a recipient must include:

Contact Information

- The name of the applicant (applicant company's legal name).
- Contact information of the applicant (or land agent representing the applicant) with:
 - Contact name.
 - Phone number.
 - Fax Number
 - Email address (if available).

Description of

- The location of proposed activities. All legal locations that will be impacted by the contemplated activities must be noted. This is also required in cases where a project will be carried out on an area covering more than one legal location, but owned by the same land owner.
- The proposed oil and gas activities and any significant structures and equipment to be added (constructed or used) for the activity.
- Any roads that will be constructed to carry out the proposed activities.
- If and how the proposed activities relate to any existing oil and gas activities being carried out within the notification or consultation distances.
- The approximate order in which the proposed activities will be carried out.
 - For multiwell pads, include the entire schedule of activities over various years, where applicable.

Statement

A statement indicating to the recipient:

- That the recipient may respond, in writing, to the applicant within 21 days of receiving notice or Invitation to Consult to:
 - Advise the applicant that the recipient does not object to the applicant's application, or.
 - Set out reasons why the proposed activities should be modified or should not be carried out.
 - That the recipient may request a meeting with the applicant to discuss the proposed activities (required for Invitation to Consult only).
- That the recipient may make a Written Submission directly to the Commission, regarding an application at any time.
- That if a permit is obtained, the applicant will provide information to anyone who falls within the Emergency Planning Zone (EPZ) regarding the development of an Emergency Response Plan (ERP) for the proposed activities if they are to include a pipeline, facility or well.
- If no one falls within the EPZ, the initial recipients must be advised that the activity is covered instead by a corporate, or other named plan.

Additional Consultation Information Requirements

In addition to the requirements listed above, consultation also requires the applicant to include:

- A description for each phase of proposed oil and gas activities, including:
 - The nature and extent of reasonably foreseeable dust, noise and odours associated with the activities.
 - Any mitigation measures that will be undertaken.
 - The nature and extent of vehicle traffic on oil and gas roads that relate to the proposed activity within the consultation distance.

Consultation and Notification Map

A consultation and notification map that shows the proposed activities in relation to dwellings, facilities and nearby urban centres.

For small projects encompassing relatively small areas, a 1:20,000 scale map is acceptable. Larger projects must be at an appropriate scale to show clearly the activities in relation to dwellings, facilities and nearby urban centers.

Written Submissions

Recipients who state they have no objection maintain their right to make Written Submissions under Section 22 (5) of OGAA.

In addition to the Consultation and Notification processes, OGAA conveys the right for persons who have an interest in or concern about a proposed activity and/or its proposed location to make a Written Submission to the Commission detailing their concerns.

Written Submissions, under Section 22 (5) of OGAA, differs from Written Responses in that they are sent directly to the Commission and may be submitted at any time by any person. Instructions on how to complete a [Written Submission Form](#) are included in Appendix B of the Consultation and Notification Recipient Guide.

Under Section 22 (6) of OGAA, the Commission forwards any Written Submissions received to the applicant. The applicant is not required to reply, however may be encouraged to by the Commission in order to assist in resolution of issues.

Written Submissions can be sent by email to OGC.WrittenSubmissions@bcogc.ca, or submitted directly to the Commission's Fort St. John or Dawson Creek offices.

6534 Airport Road
Fort St. John, B.C.
V1J 4M6
Fax: 250.794.5378

#3, 1445 – 102nd Ave
Dawson Creek, B.C.
V1G 2E1
Fax: 250.795.2149

Conflict Resolution

Conflicts that cannot be resolved before submitting an application affect the Commission's review process, and may determine whether an application is approved with changes, without changes, or is refused.

If issues remain unresolved between the applicant and recipient(s) after all reasonable efforts are made; facilitation

services are available through the Community Relations staff within the Operations Division of the Commission. Contact the Dawson Creek office of the Commission by phone at (250) 795-2140 or in person or via mail at:

#3-1445 102 Avenue
Dawson Creek, BC V1G 2E1

This non-mandatory process exists to aid communication, and resolve interest-based differences between applicants and consultation and notification recipients.

An assessment of the processes and activities completed as well as the specific circumstances will determine the type of facilitation service that will be most effective.

3 Determining Obligations to Consult or Notify

Obligations to carry out consultation or notification are based on proximity to the proposed activities as well as other factors, such as presence on an area subject to the right of a rights holder, or the presence of a residence or structure within the consultation or notification zone.

The following table outlines a series of tests that may be used to determine a potential applicant's obligations to notify or consult. The table is intended to highlight the different factors which create obligations to notify or consult among the various persons and entities identified in the Consultation and Notification Regulation. Figures 3.0 through 3.3 illustrate examples of the application of the consultation and notification tests.

Table 3.0 Persons or Entities Potentially Owed Notification or Consultation

Person / Entity	Test for obligation to provide notification	Test for obligation to provide an Invitation to Consult	Exclusions
Landowner 4 (1) (a)		Landowner of land on which activities are planned.	None
Local Authority 4 (1) (b)	(i)(A) Unless obligated to consult, if an existing building or structure owned by the local authority is within applicable notification distance. (i)(B) If an area identified in Official Community Plan is within applicable notification distance. (i)(C) If a known community watershed is within applicable notification distance.	(ii) If an existing building or structure owned by the local authority is within applicable consultation distance.	Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Government of Canada 4 (1) (c)	i) Unless obligated to consult, if an existing building or structure owned by the government of Canada is within applicable notification distance.	ii) If an existing building or structure owned by the government of Canada is within applicable consultation distance.	Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
First Nations 4 (1) (d)	i) Unless obligated to consult, if all or a portion of the First Nation's Indian reserve is located within the applicable notification distance.	ii) If all or a portion of the First Nation's Indian reserve is located within the applicable consultation distance.	Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Person, other than Landowner in section (a) who is registered owner of land surface or as its purchaser under an agreement for sale. 4 (1) (e)	(i) Unless obligated to consult, if all or a portion of the land is located within the applicable notification distance.	ii) If all or a portion of a residence that the person occupies or a structure the person uses to shelter livestock is located within the applicable consultation distance iii) if the person is a school board and a	Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.

		school or related structure within the applicable consultation distance.	
Person who has entered into agreement with landowner to lease or rent a residence or a structure used for livestock on the land. 4 (1) (f)		ii) If all or a portion of a residence or structure for which the person has entered into an agreement with landowner is within the applicable consultation distance.	Consultation not applicable to geophysical activities, as there is no prescribed consultation distance for geophysical activities.
Rights Holders 4 (1) (g)	(i) Unless obligated to consult, if the proposed activities are to be carried out on an area subject to a right of the rights holder.	ii) if the proposed activities are to be carried out on an area subject to a right of the rights holder, and it is known to the applicant that the ability of the rights holder to exercise their right will be directly and adversely affected by the proposed activities.	None
Ministry of Transport 4 (3)		A pipeline proposed within municipality within the right-of-way of a highway, and is to be used for transporting petroleum, natural gas or both.	Only applicable to pipelines.
Municipal Council 4 (3) and (4)		(3) Unless subsection 4 applies, a pipeline proposed within a municipality and within the right-of-way of a highway. (4) If the proposed activities is for a pipeline permit including permission construct and operate a pressure regulating station on land owned by the applicant within municipality.	Only applicable to pipelines.

Figure 3.0

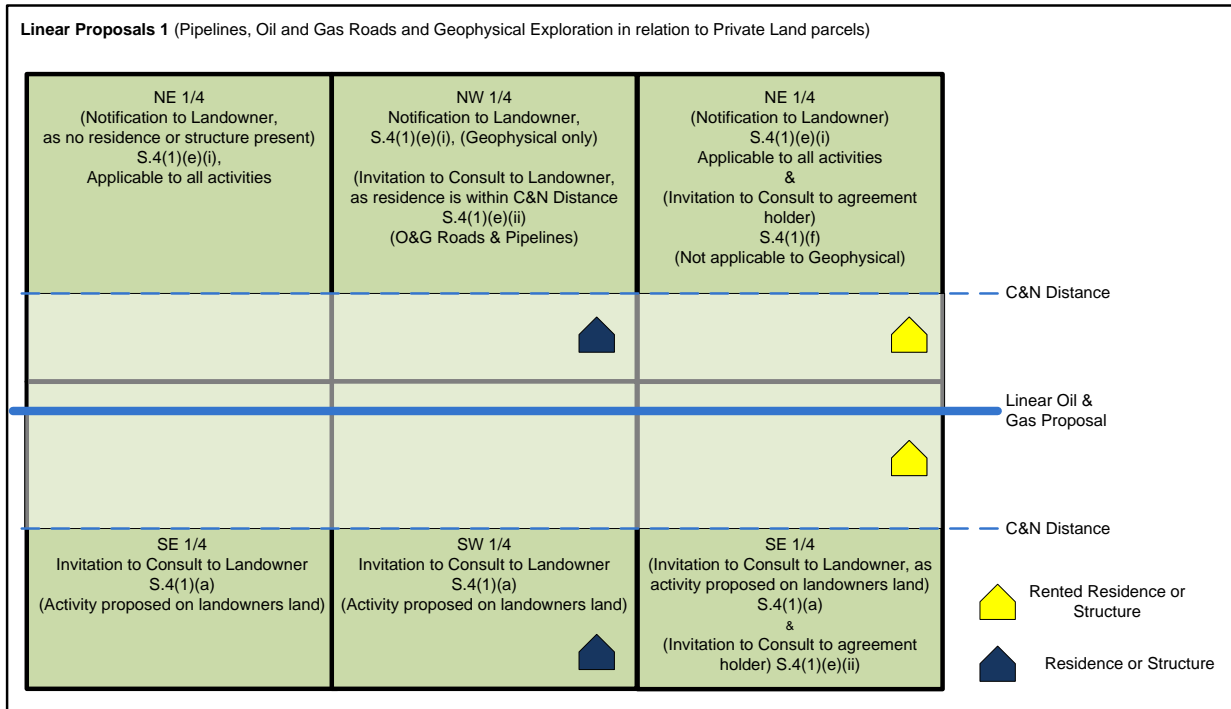


Figure 3.1

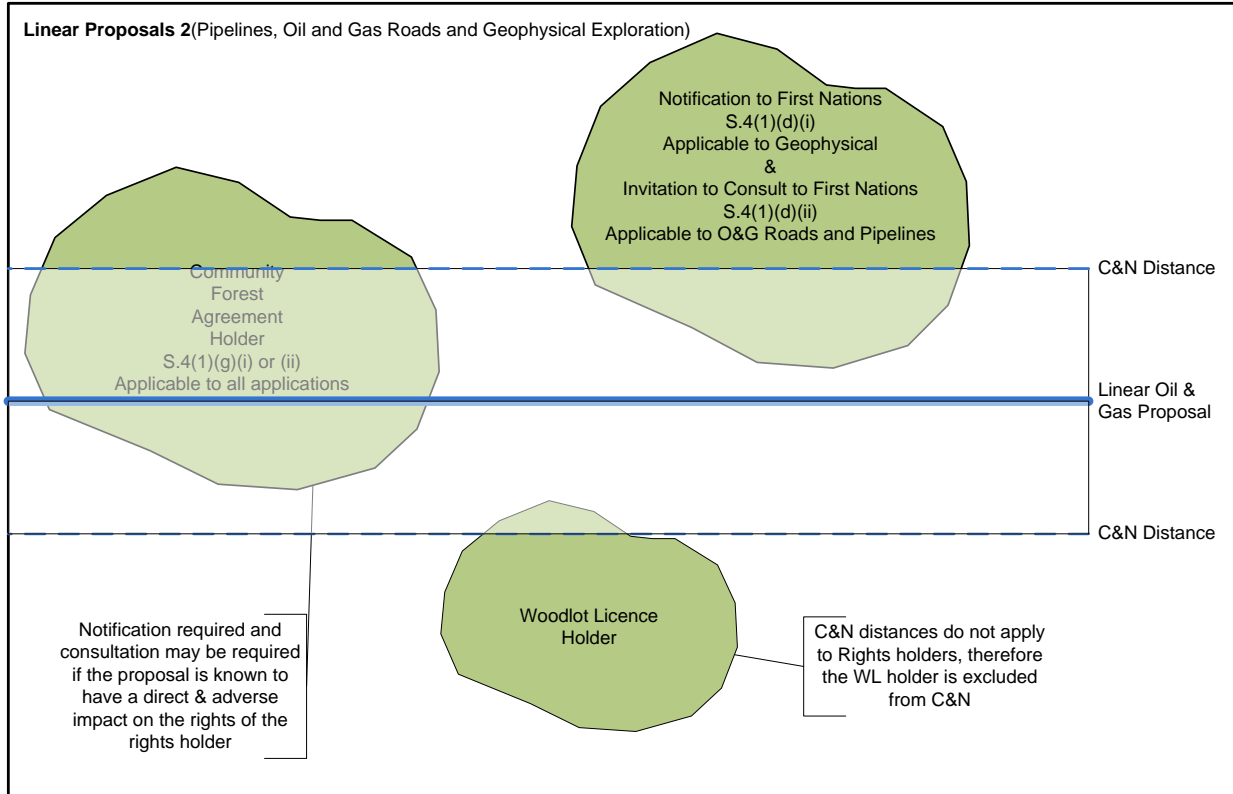


Figure 3.2

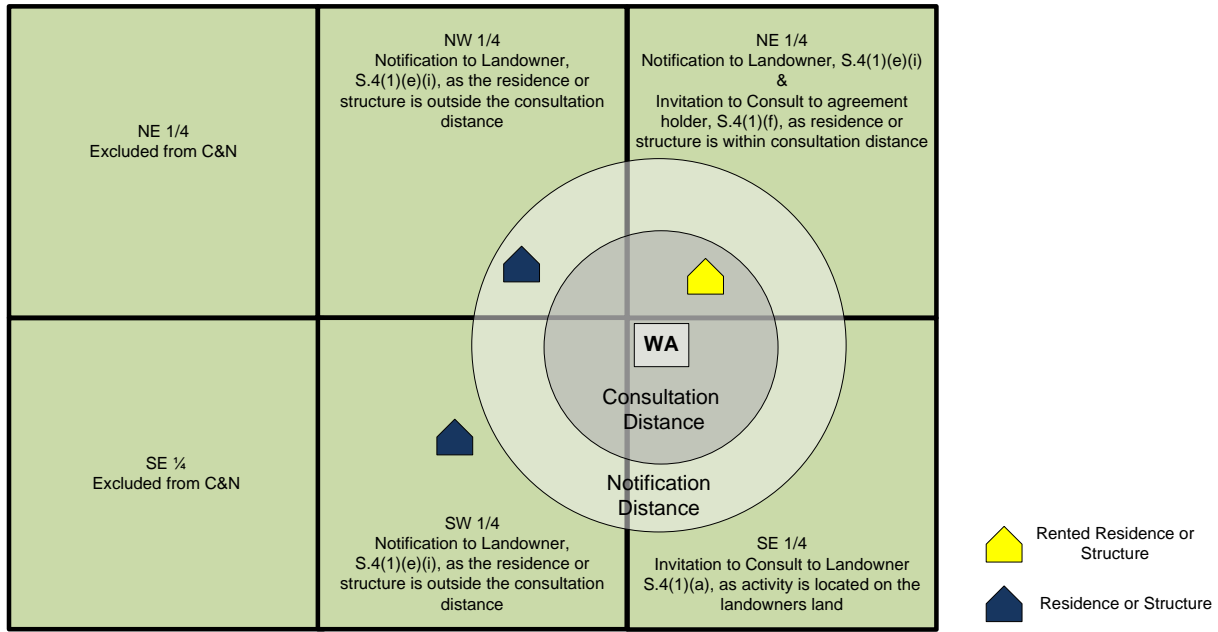
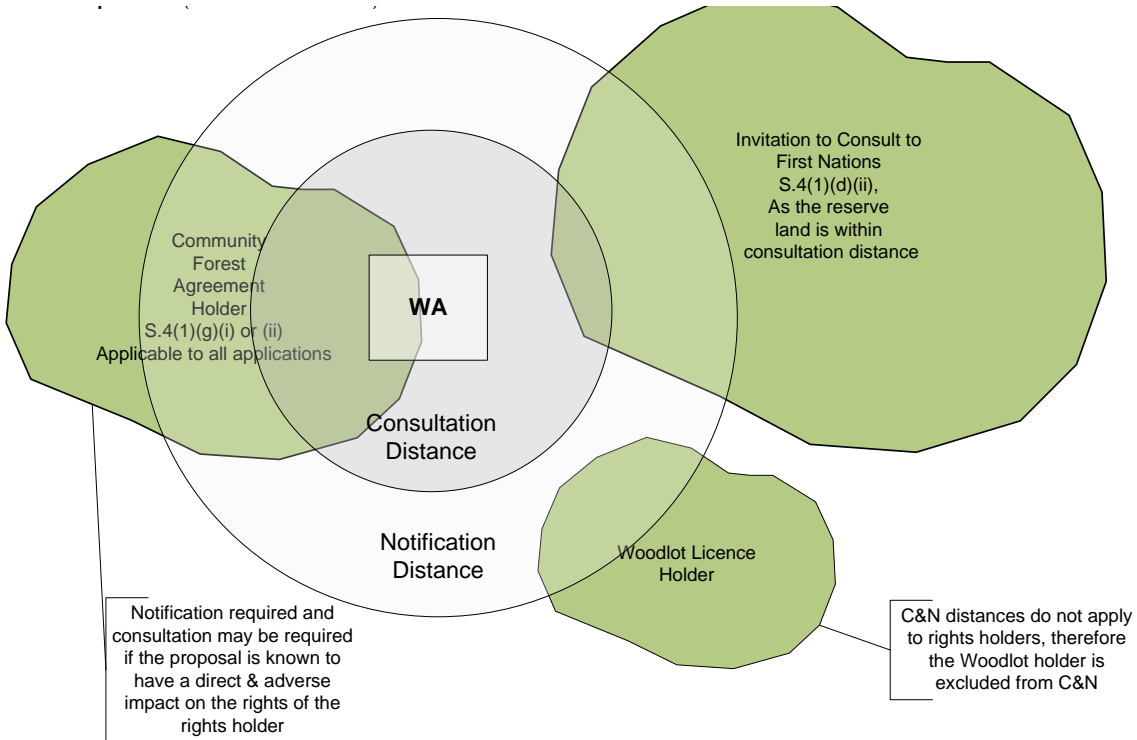


Figure 3.3



Calculating Consultation and Notification Distances

Minimum distances have been set for consultation and notification distances associated with specific activities. These distances are found in the Consultation and Notification Regulation, sections six through ten.

Distances are measured as horizontal distances from:

- The centre point of a facility area (if no well is located on, or proposed to be located on, the same cleared area as the facility)
- The centre point of a wellsite (if one or more wells or facilities are located on or proposed to be located on the wellsite)
- The centre of the right-of-way of a pipeline, oil and gas road, or centre line of a seismic line

For each category of activity, there is a minimum distance where notification or consultation is required, as outlined in the following two tables.

Table 3.1. Notification Distances for Oil and Gas Activity

Oil and Gas Activity	Notification Distance
Processing plant, compressor station or pump station	3300 metres (or calculated distance from Appendix* D, whichever is greater)
Facility with area is less than five hectares	1500 metres (or calculated distance from Appendix* D, whichever is greater)
Facility with area is more than five hectares. One facility only.	1800 metres (or calculated distance from Appendix* D, whichever is greater)
Facility greater than or equal to five hectares in size; more than one facility.	1800 metres (or calculated distance from Appendix* D, whichever is greater)
Wellsite less than 5 hectares**; fewer than nine wells.	1500 metres (or calculated distance from Appendix* D, whichever is greater)
Wellsite greater than or equal to five hectares; nine or more wells.	1800 metres (or calculated distance from Appendix* D, whichever is greater)
Pipeline	200 metres (or calculated distance from Appendix* D, whichever is greater)
Road Construction	200 metres
Geophysical	400 metres

*[Appendix D](#) provides safety distances for the purposes of making persons contacted aware that they may at a later date be contacted with regards to emergency management planning.

**If an applicant has an existing permit for eight wells, and an additional application is made for a ninth well as a separate application, the ninth well must use the consulting distance for nine or more wells (1800 metres).

Table 3.2. Consultation Distances for Oil and Gas Activity

Oil and Gas Activity	Consultation Distance
Processing plant, compressor station or pump station	3300 metres (or calculated distance from Appendix* D, whichever is greater)
Facility with area is less than five hectares	1000 metres (or calculated distance from Appendix* D, whichever is greater)
Facility with area is more than five hectares. One facility only.	1300 metres (or calculated distance from Appendix* D, whichever is greater)
Facility greater than or equal to five hectares in size; more than one facility.	1300 metres (or calculated distance from Appendix* D, whichever is greater)
Wellsite less than 5 hectares**; fewer than nine wells.	1000 metres (or calculated distance from Appendix* D, whichever is greater)
Wellsite greater than or equal to five hectares; nine or more wells.	1300 metres (or calculated distance from Appendix* D, whichever is greater)
Pipeline	200 metres (or calculated distance from Appendix* D, whichever is greater)
Road Construction	200 metres

*[Appendix D](#) provides safety distances for the purposes of making persons contacted aware that they may at a later date be contacted with regards to emergency management planning.

**If an applicant has an existing permit for eight wells, and an additional application is made for a ninth well as a separate application, the ninth well must use the consulting distance for nine or more wells (1800 metres).

Figures 3.1 and 3.2 provide a visual reference of how the consultation or notification zone is applied.

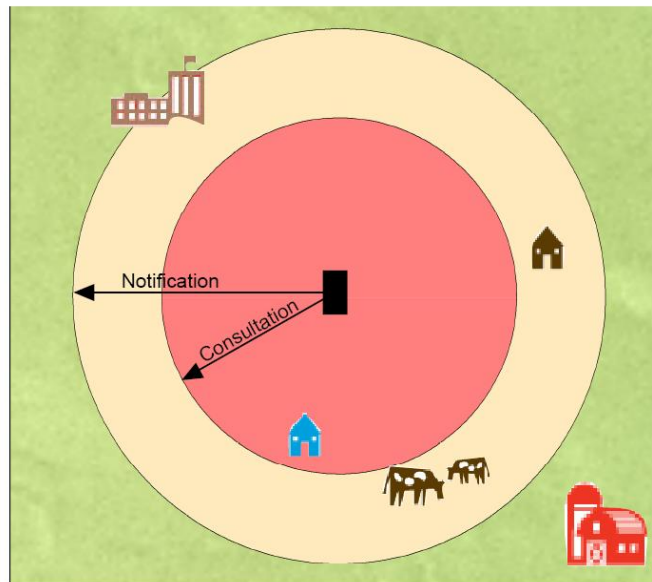


Figure 3.1. Illustration of consultation and notification distances surrounding a well or facility.

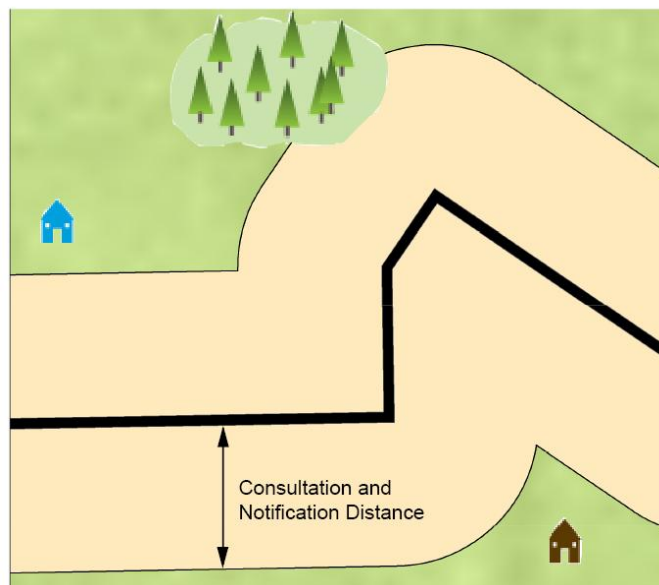


Figure 3.2. Illustration of consultation notification and distances along a pipeline.

4 Notification

Notification provides written information regarding proposed oil and gas activities to recipients within the identified notification distance.

Notification Process

Figure 4.1 summarizes the notification process leading up to submission of an application to the Commission.

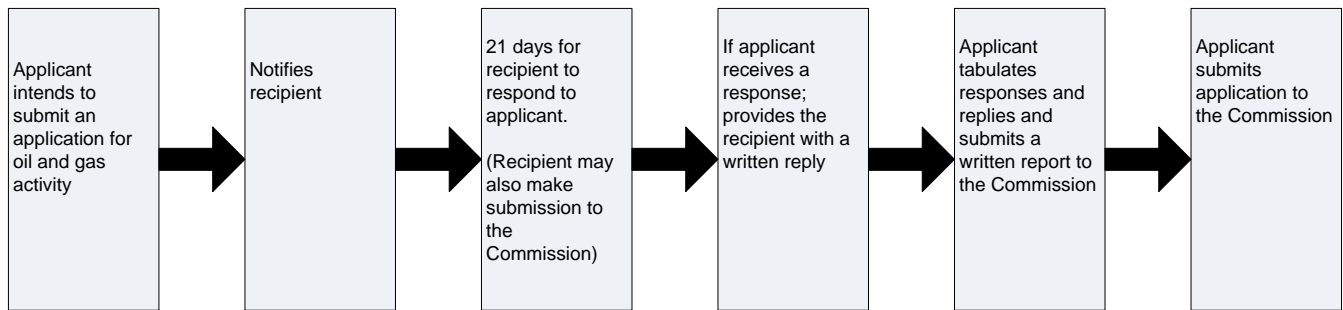


Figure 4.1. Notification Process.

Major Amendments

Notification must also be provided when applying for major amendments.

Who must be provided with notification?

Where required under the Consultation and Notification Regulation, the applicant must provide notice to:

- Other landowners whose property is within the notification distance
- First Nations for any Indian Reserve within the notification distance
- Local authority, if any of the following are within the notification distance:
 - Buildings or structures owned by the authority
 - An area identified in an official community plan in respect of which a statement and map designation has been made in accordance with section 877 (1) of the Local Government Act; Official Community Plan or
 - A known community watershed, all or a portion of which is within the boundary of the local authority's territory
- The Government of Canada for any federal buildings or structures within the notification distance
- [Rights holders](#) (other than Forest Licence or Tree Farm Licence holders), if the proposed activities on the area subject to the right of the rights holder.

Notification Requirements

The notice must advise:

- Of the person's intention to submit the application.
- The landowner that he or she may make a Written Submission to the Commission with respect to the application or proposed application.

For a full list of what information need to be included, refer to [Consultation and Notification Requirements](#) in Section 2.

Methods of Service

Detailed information on the rules governing the service and receipt of consultation and notification documentation is located in [Appendix B](#), as well as Section 79 of OGAA and Section 16 of the Consultation and Notification Regulation.

Notice before Entry

Notification Before Fixing the Site of a Pipeline

Notification requirements specific to fixing the site of a pipeline are indicated in Section 23 (3) of OGAA.

Section 15 of the Consultation and Notification regulation. This notification precedes the consultation and notification associated with the pipeline permit application.

A person is required to notify the landowner of the intent to enter onto the landowner's property. The notice must include:

- The name of the person intending to enter the land
- The name, phone number, fax number and email address (if available), of the contact person for the company/agent providing notification
- A copy of the preliminary plan submitted to the commission under Section 23 (1) of OGAA
- A description of the specific portion of the land to be surveyed or examined, and the activities to be undertaken for the purpose of fixing the site of the pipeline
- A description of the approximate order that the activities specified under subparagraph (iv) will be carried out; and
- A statement advising the landowner that if the company intends to submit an application to the Commission for a pipeline permit on the their land, the company or their representative will notify and consult the owner in accordance with Section 22 of OGAA and this regulation

A person intending to enter on land in accordance with Section 23 (2) must provide notice to the landowner at least two clear days after the information is deemed to have been received, before entering the land.

5 Consultation

Consultation is the exchange of information regarding proposed oil and gas activities between applicants and parties within the identified consultation distance. These parties (recipients) become engaged in the exchange when they receive an Invitation to Consult from an applicant.

Consultation may include discussion as well as documented materials, to ensure full understanding of the proposal and any associated interests.

Where consultation is conducted with recipients, notification is not required.

Consultation Process

The consultation process is outlined in Figure 5.1.

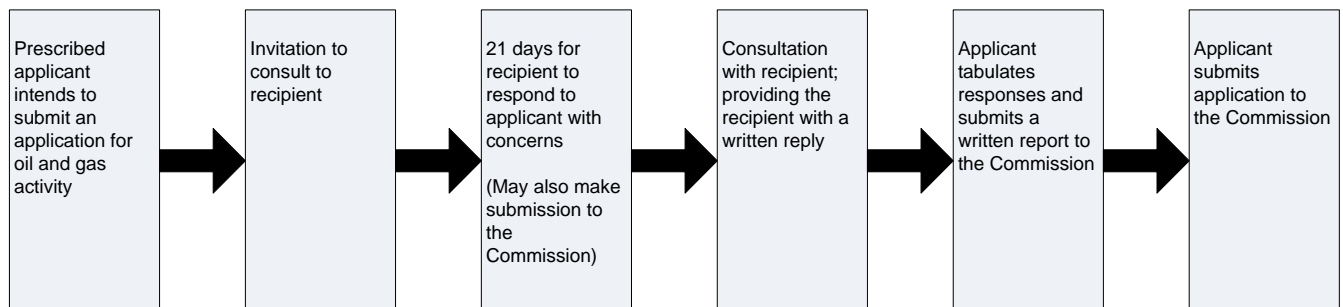


Figure 5.1. Consultation Process.

Who must be consulted?

This consultation is separate from consultations related to surface land leases between landowners and applicants.

Applicants making an initial application for a permit must provide an Invitation to Consult to parties that fall within the prescribed consultation distances (figures 3.1 and 3.2).

Invitation to Consult must also be provided when applying for major amendments.

Invitation to Consult must be provided to:

- The owner of the land on which the proposed activity will take place. Other landowners whose residence, school or related structure, is within the consultation distance.
- Renters or leasers of a residence or structure used for livestock within the consultation distance.
- The local authority for their buildings or structures within the consultation distance.
- First Nations for any Indian Reserve within the consultation distance.
- The Government of Canada for any federal buildings or structures within the consultation distance.
- Rights holders, excluding agreements under the Petroleum and Natural Gas Act where:
 - The proposed activities are on an area subject to a right of the rights holder, and
 - It is known to the applicant that the ability of the rights holder to exercise their right will be directly and adversely impacted.

Consultation in Municipalities

Because of higher population density, consultation in municipalities differs in practice. When proposing a pipeline in a municipality the applicant must provide an Invitation to Consult to the ministry responsible for the Transportation Act and the local municipal council when it:

- Is to be located within a municipality and
- Is within the right-of-way of an arterial highway or municipal highway and
- Is to be used for transporting petroleum, natural gas, water or a combination.

As per Section 4(4) of the Consultation and Notification Regulation, the applicant must provide an Invitation to Consult to the local municipal council for applications for a pressure regulating station on the applicant's land for distribution pipelines in municipalities.

Rights Holders

Under OGAA, if it is known to the applicant that a rights holder, will be directly and adversely affected by a proposed activity, the applicant must provide an Invitation to Consult. The applicant must also summarize the results of the invitation or subsequent consultation as part of the written report.

Methods of Service

Detailed information on the rules governing the service and receipt of consultation and notification documentation is located in [Appendix B](#), as well as Section 79 of OGAA and Section 16 of the Consultation and Notification Regulation.

6 Replying to Recipients

Recipients of consultation or notification with interests in or concerns about a company's proposed oil and gas activity may submit a Written Response to the applicant or the applicant's designated contact.

This response may detail concerns and any proposed recommendations for mitigation. If the response is received within the 21-day consultation and notification period the applicant must reply, in writing, as soon as possible.

Where a Written Response to consultation includes a request for a meeting, the applicant must make reasonable efforts to meet with the recipient.

Applicant Written Reply

The applicant written reply to the recipient must

- Provide a description of any revisions to the proposed activities resulting from the recipient's response.
- State that the Written Response from the recipient, and the written reply from the applicant will be included in the written report submitted to the Commission.
- State that the recipient may also make a [Written Submission](#) to the Commission.

All responses from the recipient as well as all replies from the applicant must be compiled and submitted to the Commission.

Line List

The Line List is provided as a useful template for the applicant to submit required information, including recipient concerns. Its purpose is to ensure that all required information is included for review.

The [Line List Template](#) can be found on the Commission website and includes an example for guidance.

The Line List must be included in the Consultation Package.

7 Revisions and Amendments

Revisions

Proposals may be revised because of the consultation processes. If the revisions are not significant, no further consultation or notification is required. However, if the revisions to the proposal are significant, the applicant may need to carry out further notification and consultation activities.

Significant Revisions

A significant revision is defined as:

- Adding one or more of the following activities
 - Drilling or constructing a petroleum or natural gas well or facility, or
 - Constructing a pipeline for petroleum, natural gas or both, or
- A change in the proposed area with
 - An increase in project area 1 hectare or more, or
 - A shift in direction 100 m or more in any direction.

A significant revision may result in a different applicable consultation distance than the initial proposal. For example:

- Incorporating a facility onto a wellsite .
- Consolidate wellsites to a single wellsite exceeding five hectares.

Significant Revisions and Consultation Distance

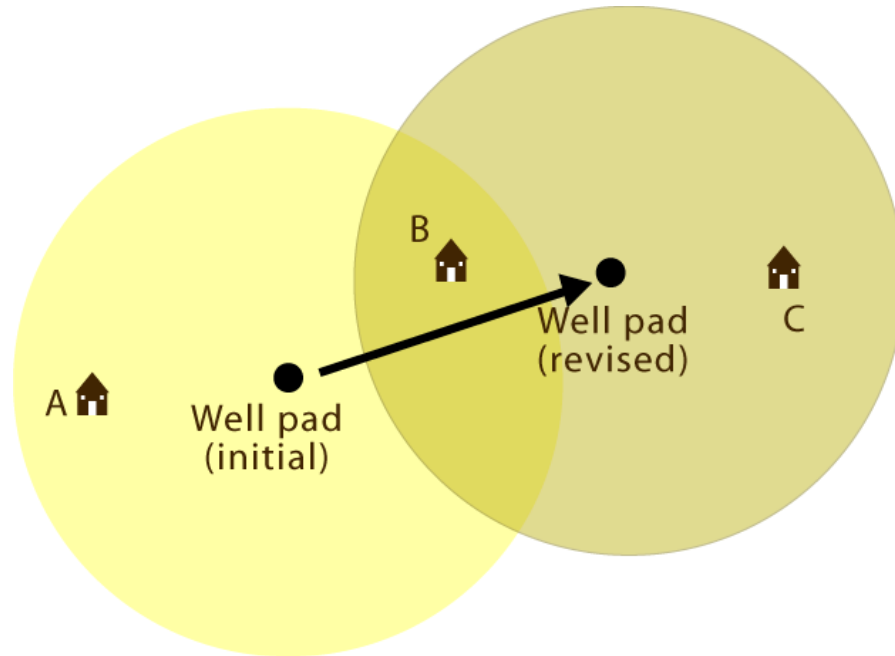


Figure 7.1. Revised consultation distance.

Consultation After Revisions

When additional distance is created, the recipients in the new area require consultation or notification. In addition, those who are affected by the revision and were previously consulted or notified, require information informing them of the revision. All recipients within the consultation and notification distances must be consulted with or notified again when revisions include a new well, facility or pipeline.

Amendments

An applicant submitting an amendment to a permit must first provide notice to the landowner on whose land the oil and gas activity is permitted (under Section 31 (1) of OGAA). The notice must provide a description of the proposed amendment. The notice must also advise the recipient that they may send a Written Submission (within 15 days of receiving the notice) to the Commission regarding the amendment.

After receiving the application for amendment, the Commission may require the permit holder to carry out prescribed notices or consultations (under Section 31 (5) of OGAA). The prescribed notices and consultations are the same as those given in Sections 3 and 4. The Commission recommends that applicants carry out consultation and notification prior to submitting an application for a major amendment.

Non-Major Amendments

Non-major amendments do not require consultation or notification with the exception of the landowner on whose property the activity is taking place. The landowner must be notified in all cases.

Major Amendments

A major amendment is a change to a permit to:

- Increase (by one hectare or more) the approved area on a wellsite, facility, pipeline, oil and gas road or seismic line and/or
- Shift (by 100 meters or more) the approved area associated with the above listed and/or
- Change the approved activities under the permit by adding approval with respect to a petroleum or natural gas well, facility or pipeline.

For amendments on Private land, ancillary site area should **not** be included in the one hectare guideline; however, it must be referenced on the construction plan..

After an application for a major amendment has been submitted, the Commission may require, under Section 31(5) of OGAA, a permit holder to conform to the Consultation and Notification Regulation. If the permit holder is required to consult and/or notify, a 21-day review period is in effect, unless the below engagement-before-application criteria are met.

A major amendment does not include adding approval for:

Blow case	Odourization pot
Chemical pump	Pig trap
Chemical tank	Pipeline for flow reversal
Coalescer	Propane tank
Condensate pump	Recycle pump
Cooler	Regulator
De-sand tank	Regulator vault
Field header	Sand filter
Filter pot	SCADA
Flare knock out drum	Scrubber
Fresh water tank	Separator
Gas boot	Vapour recovery unit
Generator under 200 kW	Valve
Line heater	Valve vault
Meter	Water injection pump
Facility linkage change from a well or facility	

Engagement Before Application

If consultation and notification requirements are met before applying for a major amendment, an applicant may submit the amendment application to the Commission before the end of the 21-day review period. This is only an option if:

- The applicant has provided an opportunity for consultation and notification to all potentially affected parties.
- The applicant has replied to responses from all recipients.
- There are no objections to the application or requests for meetings.

If the criteria above are not met, then the applicant must wait the full 21-day period before submitting the amendment.

Exclusion from the requirements of the Consultation and Notification Regulation

Non-Major Amendments

Non-major amendments do not require consultation or notification.

In addition, the following activities when located on Crown Land are excluded from Consultation and Notification Regulation requirements:

- The construction of temporary water or gas pipeline for well testing if located on the surface of the wellsite, and not intended for continued use after the associated well construction.
- The operation of a pipeline, and use of a road.

Notification to Landowners

Even where an activity is excluded from the consultation and notification regulation, the applicant must provide notification to the landowner on whose land the activity is proposed under Section 22 (2) of OGAA (for initial applications) or Section 31 (1) of OGAA (for amendment applications).

Exemption from Consultation and Notification

Upon written request from the applicant, the Commission may exempt an application from consultation and notification. In doing so, the Commission may also substitute other consultation and notification requirements.

Exemptions can only be granted for new applications.

8 Written Report

Each permit application subject to consultation and notification requirements must submit a written report to the Commission, summarizing the results of consultation and notification activities. The written report consists of:

- [Written Report Cover Sheet](#).
- [Written Report Line List](#).
- [Consultation and Notification Map](#).
- All Written Responses from recipients and replies from the applicant.

It is recommended that the report include a sample copy of the Notification and Invitation to Consult letters sent to the recipient.

Consultation and Notification Map

A consultation and notification map that shows the proposed activities in relation to dwellings, facilities and nearby urban centers.

The map must cross reference C&N recipients as required in Block 1 of the Consultation and Notification Written Report Line List.

For small projects encompassing relatively small areas, a 1:20,000 scale map is acceptable. Larger projects must be at an appropriate scale to clearly show the activities in relation to dwellings, facilities and nearby urban centers.

Written Report Cover Sheet

This section provides instructions on how to complete the Written Report Cover Sheet.

Block A – Applicant Information

Applicant Name Enter the legal name of applicant company conducting the required consultation and notification.

Applicant Contact Information Enter the full name and contact information for representative who performed the consultation and notification activities.

Block B – Consultation and Notification Information

The information within this block helps to highlight any submissions or outstanding concerns received in association with the permit application. The information is forwarded to the statutory decision maker when outstanding concerns are noted.

For well, facility and petroleum/natural gas pipeline applications, indicate the EPZ distance. For pipeline applications with multiple segments and multiple EPZ distances, indicate the greatest EPZ distance.

Block C – Summary of Written Report

Activity Type Check the box that indicates the proposed oil and gas activity. Choose from:

- Well
- Pipeline
- Facility
- Geophysical
- Other; specify what the activity is

Location Indicate the location of proposed oil and gas activity.

Commission File No. Enter the seven digit tracking number used by the Commission. Example: 9000000.

Distance Applied Enter the distance for both consultation and notification. Applicants must consult and notify to the distances outlined in the Consultation and Notification Regulation, or to the EPZ distance (if applicable); whichever is greater.

Comments Include any additional comments or explanation as required.

Block D – Written Report Deliverables

Written Report Cover Sheet A completed [Written Report Cover Sheet](#) to summarize what consultation and notification activities have taken place must be submitted with every written report.

Written Report Line List A [Written Report Line List](#) to summarize interactions with recipients must be submitted with every written report.

Package of Replies and Responses The package of responses must include any recipient responses to consultation or notification and replies sent from the applicant. This must be submitted with the written report in every instance that the information is available. Select N/A if no responses have been received.

C&N Map For small projects encompassing relatively small areas, a 1:20,000 scale map is acceptable. Larger projects must be at an appropriate scale to clearly show the activities in relation to dwellings, facilities and nearby urban centers.

The map must cross reference C&N recipients as required in Block 1 of the Consultation and Notification Written Report Line List.

The Commission recommends that a sample copy of the letters provided to recipients for notification or Invitation to Consult be submitted with the written report deliverables.

Block E – Signature

This information field may only be signed by an employee or agent of the applicant with signing authority. By signing in this block, the applicant or authorized signatory attests that all of the information provided on the application is true and correct.

Written Report Line List

To summarize the consultation and notification activities performed with each recipient, applicants must submit a line list as part of the written report.

A [Written Report Line List Template](#) is available on the Commission website. The template provides a convenient and orderly format for submitting required line list information.

- Company Name** Enter the applicable company submitting the application.
- Project Location** Enter the legal description for the project location.
- Company File No.** Enter the internal company file number for the application (if applicable).
- Cross Reference** This block is intended to identify the items on the C&N map for quick reference when cross referencing the line list.
- Application Type** Select the application type from the dropdown menu. Choose from:
- Initial Proposal
 - Permit Amendment
 - Permit Extension
 - Application Revision
- Activity Type** Select the oil and gas activity type for which engagement was conducted, from the dropdown menu. Choose from:
- Geophysical exploration
 - Pipeline
 - Well
 - Facility
 - Related activity
 - Multiple activities
- Recipient** Select the recipient type from the dropdown

Type menu. Choose from the following types detailed in the Consultation and Notification Regulation:

- [Landowner](#), under section 4(1)(a).
- Local Authority, under section 4(1)(b).
- Government of Canada, under section 4(1)(c).
- First Nations, under section 4(1)(d).
- Person, under section 4(1)(e).
- Person, under section 4(1)(f).
- [Rights Holder](#), under section 4(1)(g).
- Municipal Council
- Ministry Responsible for the Transportation Act
- Other; additional recipients notified under company best practices.

Recipient Name Enter the full name of the recipient, including first and last names where applicable.

Recipient Address Enter the legal location of the recipient's property using the legal land/parcel description.

All legal locations that will be impacted by the contemplated activities must be noted. This is also required in cases where a project will be carried out on an area covering more than one legal location, but owned by the same land owner.

Recipient Preferred Method of Service and Contact Information Indicate the recipients preferred method of service - address and contact information, email address, etc. for each directly impacted land owner.

Engagement Type Choose from the dropdown menu:

- Invitation to Consult
- Invitation to Consult under C&N Reg s. 4 (2)
- Notification

Construction Plan Map No. Revision No and Revision date	Enter the internal job number, revision number and revision date of the construction plan map used during engagement.
Date Consultation Commenced	Enter date upon which notification or invitation to consult was sent.
Method of Service	Choose from: <ul style="list-style-type: none">• Left copy with person (s. 79 (1)(a) OGAA)• Fax• Left copy with persons agent (s. 16(1)(a) C&N Reg.)• Sent by ordinary or registered mail (s. 16(1)(b) C&N Reg.)• Email (s. 16(1)(c) C&N Reg.)• Left copy in residence mailbox (s. 16(1)(d) C&N Reg.)• Attached copy to door or conspicuous place at residence (s. 16(1)(e) C&N Reg.)
Date Deemed Received	Enter the date upon which the notification or Invitation to Consult is received, or deemed to be received, under section 79 of OGAA.
Estimated Distance to Residence	Enter the linear distance (in metres) of the recipient's residence / location from the proposed oil and gas activity.
Summary of Engagement	Summarize what consultation or notification activities occurred; any responses, replies or meetings; and what actions were taken to address concerns raised by the recipient.
Outstanding Concerns	Either provide a detailed description of any unresolved concerns at the time of line list submission, or indicate that there are no outstanding concerns.
Written Submission	Indicate if a Written Submission was received; yes or no. This enables the Commission to link pre-application Written Submissions to the submitted application.

Best Practice

If there is a major schedule change for oil and gas activities, or the permit holder decides not to carry forward a planned oil and gas activity, all recipients should be notified of the change.

9 Extensions

A permit holder applying for a permit extension may be required to carry out the prescribed notices or consultations (under Section 32 (3) of OGAA).

The Commission reviews each application on a case-by-case basis.

If the Commission requires consultation, notification, or both, the applicant will proceed through the process as though it were an initial application for a new permit.

10 Compliance

OGAA

A person found by the Courts, to have contravened the Oil and Gas Activities Act may be subject to a fine not exceeding the amount specified in Section 86 of the act. A person found by the Commission, to have contravened OGAA may be liable to an administrative penalty not exceeding the amount specified in the Administrative Penalties Regulation.

C&N

A person who contravenes the Consultation and Notification Regulation (as specified in the Administrative Penalties Regulation, Section 4), may be liable to an administrative penalty ranging from \$5,000 to \$100,000.

Appendix A – Safety

Safety

Consultation, notification and planning in relation to safety is addressed through emergency planning requirements and are not part of the Consultation and Notification regulation.

Safety distances (Emergency Planning Zones) in this manual are referenced for the purposes of making recipients aware that they may later be contacted concerning emergency management planning.

In cases where the safety distances encompass more area than the standard consultation and notification distance, those within the safety distance will be included in the consultation and notification process.

Appendix B – Consultation and Notification Timelines

Determining Consultation and Notification Timelines

In accordance with Section 22(3) of OGAA, the applicant must carry out the prescribed consultations and notification, which includes a 21- day review period. Applications submitted prior to the end of the 21- day review period are in contravention of OGAA s. 22(3).

If the applicant has a Written Response stating “no objection” from all recipients, they may submit the application prior to the application submission dates indicated above.

It is important that applicants correctly determine the consultation and notification timelines required, based on the method of service used.

Methods of Service

The methods of service are the same regardless of notification, consultation or who is serving the documentation.

Documentation Service Methods

All documentation must follow the methods of service set out in Section 79(1) of OGAA and as prescribed within the Service Regulation:

- Leave a copy with the person.
- Leave a copy with the agent of the person.
- Send a copy by ordinary mail or registered mail to the address at which that person resides or carries out business.
- Send a copy by electronic mail to the person’s e-mail address.
- Leave a copy in a mail box or mail slot for the address at which the person carries out business.
- Attach a copy to the door or other conspicuous place at the address at which the person carries out business.
- Fax a copy to the person.

Documentation Receipt

A document given or served in accordance with the above methods is deemed to be received as follows, as per Section 72(2) of OGAA and the Service Regulation:

- On the 5th day after it is mailed, if given or served by sending a copy via ordinary or registered mail.
- On the 3rd day after it is sent, if given or served by sending a copy via email or fax.
- On the 3rd day after it is left, if given or served by leaving a copy in a mail box or mail slot.
- On the 3rd day after it is attached, if given or served by attaching a copy to a door or other conspicuous place.

Subject to Section 25 of the Interpretation Act, the 21-day period begins once the documents are deemed received in accordance with the prescribed method of service.

Table B.1 Methods of Service Dates

Method of Service	Deemed Received
Mail	5 th day after sent
Email	3 rd day after sent
Fax	3 rd day after transmitted
Mail Box	3 rd day after left
Attach	3 rd day after attached
Agent	Immediately after left

Determining C&N Timelines – Service Period and 21-day Response Period

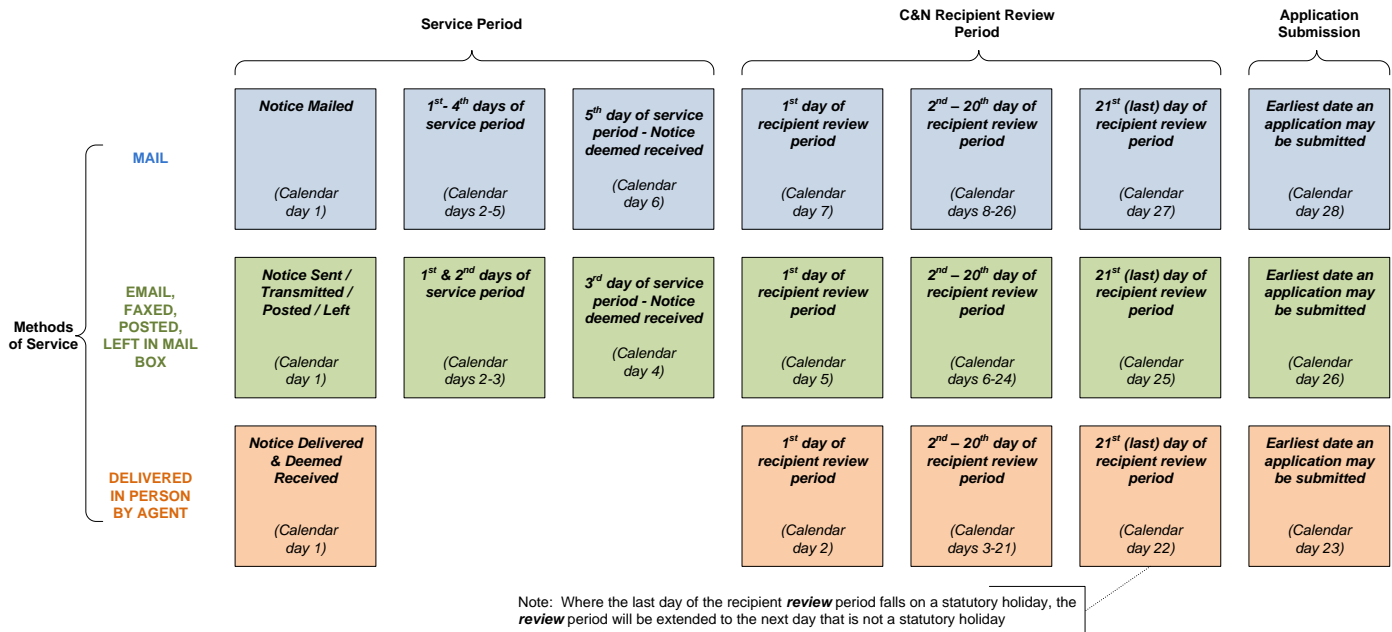


Figure B.1 Using service period and response period to determine consultation and notification timelines.

No Further Obligation

The applicant is not required to pursue any further consultation or notification activities under the Regulation:

- 21 days after consultation or notification was provided if no Written Responses were received.
- 21 days after the last required consultation or notification was provided, or the date the last Written Response is received; whichever is the earlier date.
- When a Written Response has been received from every recipient, and none contain reasons why the proposed activities should not be carried out:
 - 21 days after the last required consultation or notification was provided or the date that the last recipient withdraws all objections; whichever is the earlier date.
- When a Written Response has been received from every recipient, and all objections have been withdrawn:
 - 21 days after the last required consultation or notification was provided or the date the last Written Reply is provided to the recipient(s).

Where a recipient has requested a meeting in their Written Response to an Invitation to Consult, the obligation to consult is not met until the applicant has met with or made reasonable efforts to arrange a meeting with the recipient.

Appendix C - Consultation and Notification Regulation

The Consultation and Notification Regulation (the Regulation) provides consistency and predictability for consultation and notification requirements, and the permit decision process.

Under the Regulation, the acts of consultation and notification are separate and distinct processes, aimed at separate and distinct recipients.

Applicants must carry out consultation, provide notice or both, with respect to the proposed oil and gas activities and related activities (under Section 22 (3) of OGAA).

The Consultation and Notification Regulation:

- Specifies who must carry out consultations and notifications before submitting an application to the Commission.
- Specifies who must be contacted .
- Defines the consultation and notification requirements for oil and gas permit applicants.
- Defines the rights of recipients .
- Establishes requirements for potential quality of life impacts.

Related Regulations

The Consultation and Notification Regulation relates to the following OGAA sections:

- Section 21 (Permit required).
- Section 22 (Consultation and notification).
- Section 23 (Preliminary plan).
- Section 24 (Application for permit and authorization).
- Section 25 (Permits and authorization issued by Commission).
- Section 31 (Amendment of permit).
- Section 32 (Expiration of permit and authorization).
- Section 72 (Appeal).
- Section 79 (How to serve documents and notices).
- Section 107 (Consultations and notifications).
- Section 112 (1) (I) (General).

Other Provincial legislation that this regulation is linked to includes the following:

- The Petroleum and Natural Gas Act.
- The Land Act regarding the Integrated Land Management Bureau.
- The Forest and Range Practices Act regarding forest tenures.
- The Local Government Act.
- The Transportation Act.

Appendix D – EPZ Distance Calculation

Facility Distances – Schedule A

EPZ distances for the purposes of Section 6 of the Consultation and Notification Regulation are determined by reference to the maximum H₂S release volume from any pipeline entering or leaving the facility, calculated in accordance with the applicable of the following formulas.

The EPZ distance for the purposes of Section 6 is the distance indicated on the vertical axis of [Chart A](#) that corresponds to the release volume indicated on the horizontal axis of the chart, as indicated by the graph line on the chart.

Equations

Gas Pipeline H₂S Release Volume

The equation for calculating the maximum potential H₂S release volume from a pipeline is as follows:

$$V = \frac{2.232 \times 10^{-6} D^2 L (P + 101.325) H}{Z(T + 273)}$$

Where

V = maximum potential H₂S release volume in m³

D = internal diameter of pipe in millimetres (mm)

L = length of pipeline between block valves (km)

P = licensed maximum operating pressure in kilopascals (kPa)

H = licensed H₂S content (moles/kilomole) for the pipeline

Z = compressibility factor at reduced pressure and reduced temperature

T = pipeline minimum operating temperature (°C)

Liquid Multiphase Pipeline H₂S Release Volume

For sour liquid multiphase pipelines, the volume of H₂S is determined by the following equation:

$$V = \frac{(GLR \times GVF)}{1000(GLR + GVF)} \times V_{p1} \times H$$

Where

V = potential H₂S release volume at standard condition (m³)

GLR = produced gas-liquid ratio at maximum operating pressure (MOP) (m³/m³)

GVF = ratio of produced gas volume at standard conditions to the volume of gas at MOP (m³/m³)

V_{p1} = volume of the pipeline (m³)

H = licensed H₂S content (moles/kilomole) for the pipeline

Gas Multiphase Pipeline H₂S Release Volume

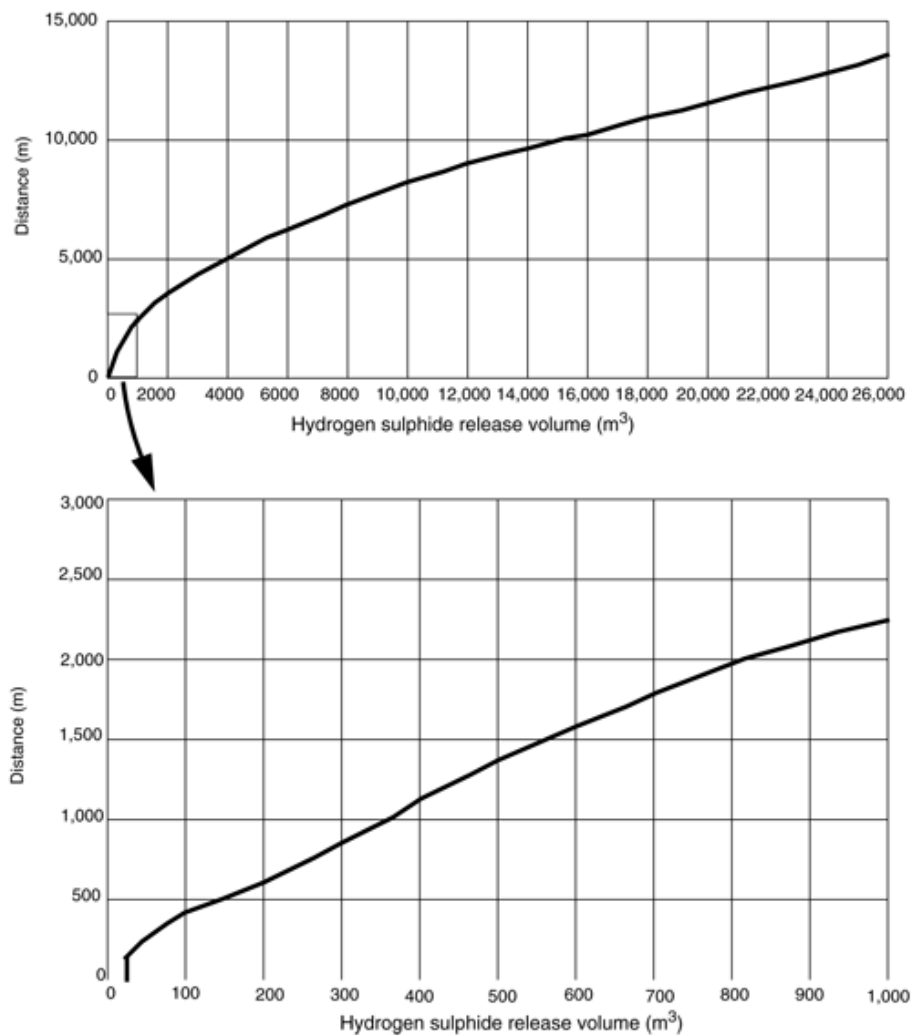
$$V = 0.785 \times 10^{-6} D^2 L \frac{(GLR \times GVF)}{(GLR + GVF)} \times H$$

Where

D = internal diameter of pipe in millimetres (mm)

L = length of pipe between block valves (km)

CHART A: FACILITY DISTANCES



Well Distances – Schedule B

EPZ distances for the purposes of Section 7 are determined by reference to potential H₂S release rates from a well during either drilling or completion or re-completion operations.

H₂S release rates

Drilling operations

H₂S release rates during drilling operations must be determined in accordance with the following equation and the notes that follow:

$$\text{H}_2\text{S Release rate} = \frac{\text{H}_2\text{S}\% \times \text{AOFP}}{8,640,000}$$

Where

AOFP = maximum gas rate (m³/d)

H₂S% = volume of H₂S expressed as a percentage of the total volume of gas

Gas Wells

For gas wells, if an AOFP test has been conducted and value determined for a formation in a well, that value must be used. If an AOFP test value has not been determined, a theoretical AOFP must be calculated using the following formula:

$$\text{AOFP} = \frac{\text{Gas Test Rate} \times \text{Pr}^2}{(\text{Pr}^2 - \text{Pf}^2)}$$

Where

AOFP = maximum gas rate (m³/d)

Gas Test Rate = gas flow rate during testing (m³/d)

Pr = reservoir pressure (kPa)

Pf = flowing bottom hole pressure (kPa)

Oil wells

For oil wells, the AOFPP must be calculated using the following formula:

$$\text{AOFPP} = \frac{\text{Oil Test Rate} \times \text{GOR}}{[1 - 0.2 \times (\text{Pf} / \text{Pr}) - 0.8 \times (\text{Pf} / \text{Pr})^2]}$$

Where

Oil test rate = oil flow rate during testing (m³/d)

GOR = gas oil ratio from oil test rate well (m³/m³)

Pr = reservoir pressure (kPa)

Pf = flowing bottom hole pressure (kPa)

For a proposed well, the maximum gas rate (AOFPP) values and maximum H₂S concentrations for each H₂S-bearing formation, must be determined for each of at least 5 wells drilled and tested in an analogous geological area or pool within 5 kilometres of the proposed well.

The H₂S release rates for all potential H₂S-bearing formations in the proposed well must be determined based on the highest AOFPP and highest H₂S concentration for each formation and the sum of the H₂S release rates for all the formations that will be open to the well bore during drilling operations.

If appropriate data does not exist or is otherwise inadequate, the consultation and notification distance is three km from the proposed well or well site.

Completion or re-completion operations

For completion or re-completion operations in an existing well, data from the appropriate formation in the well must be used to determine H₂S release rates. If the appropriate data does not exist or is otherwise inadequate, H₂S release rates must be determined in accordance with the equations and notes set out above for drilling operations.

Determining Well Distances

The distance for the purposes of Section 7 of the Consultation and Notification Regulation is the distance indicated on the vertical axis of Chart B that corresponds to the release rate indicated on the horizontal axis of the chart, as indicated by the graph line on the chart.

Chart B: Well Distances for Higher H₂S Release Rates

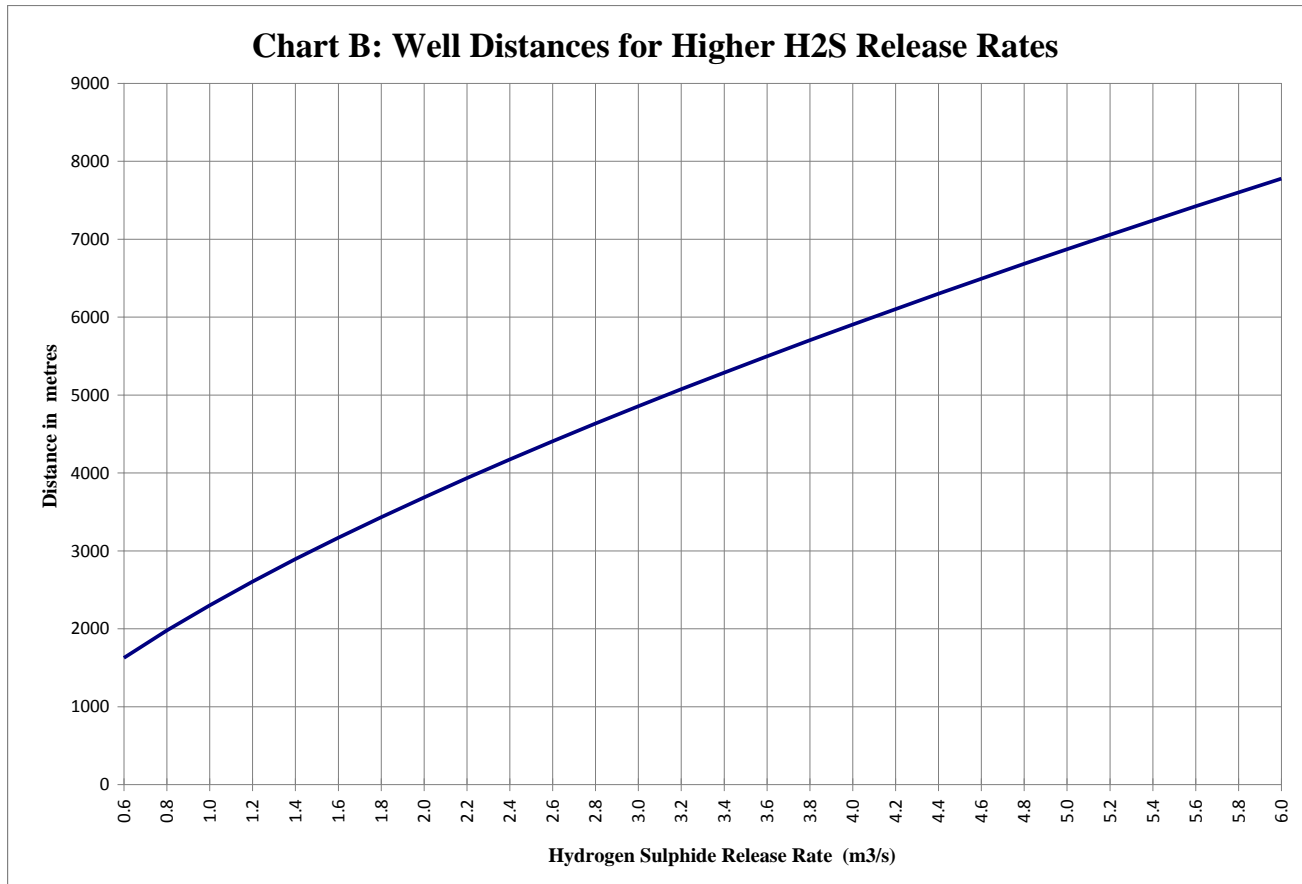
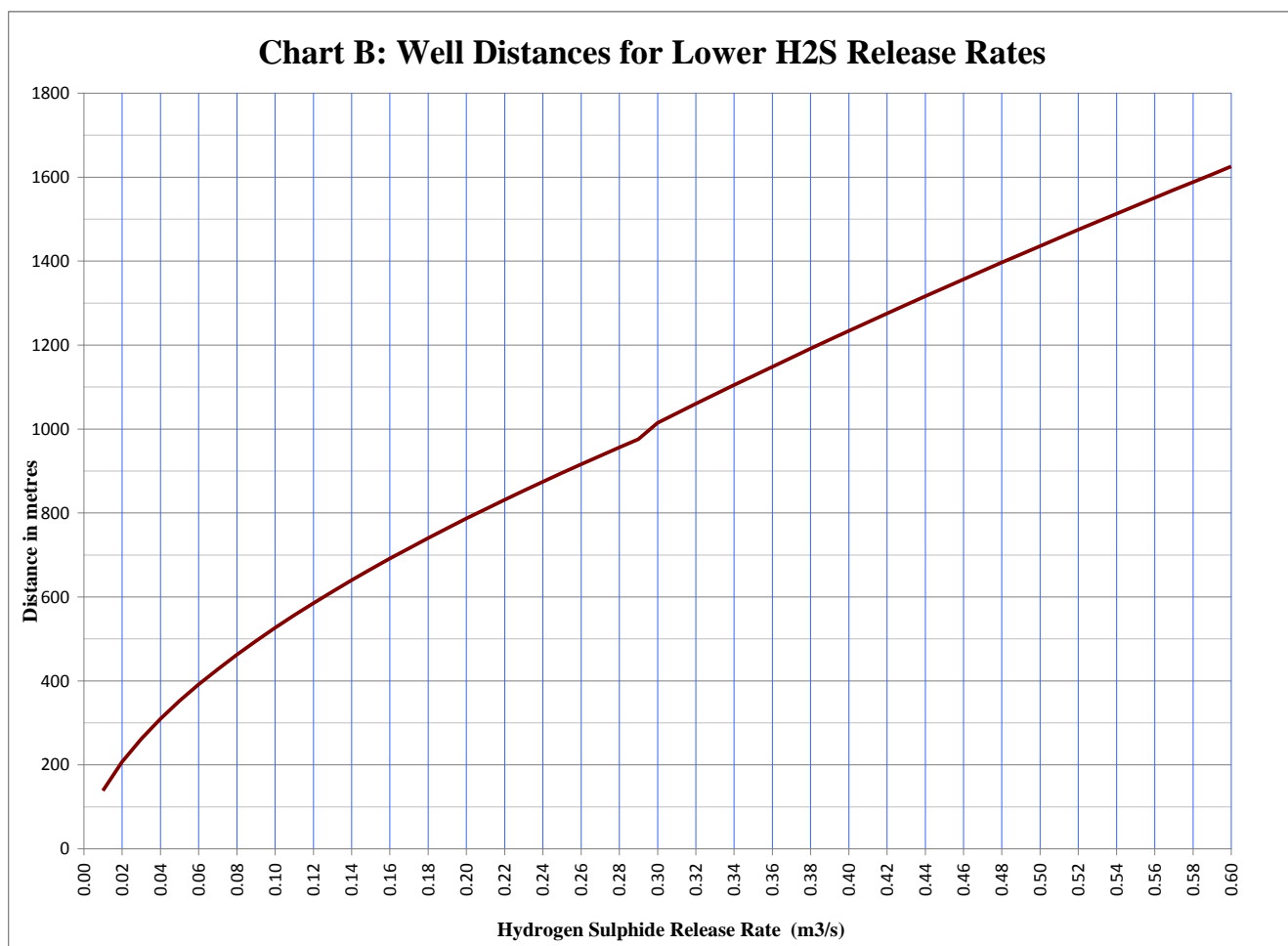


Chart B: Well Distances for Lower H₂S Release Rates



Pipeline Distances - Schedule C

EPZ distances for the purposes of Section 8 of the Consultation and Notification Regulation are determined by reference to the maximum H₂S release volume from the pipeline, calculated in accordance with the applicable of the following formulas. The distance for the purposes of Section 8 is the distance indicated on the vertical axis of [Chart C](#) that corresponds to the release rate indicated on the horizontal axis of the chart, as indicated by the graph line on the chart.

Equations

Gas Pipeline H₂S Release Volume

The equation for calculating the maximum potential H₂S release volume from a pipeline is as follows:

$$V = \frac{2.232 \times 10^{-6} D^2 L (P + 101.325) H}{Z(T + 273)}$$

Where

V = maximum potential H₂S release volume in m³

D = internal diameter of pipe in millimetres (mm)

L = length of pipeline between block valves (km)

P = licensed maximum operating pressure in kilopascals (kPa)

H = licensed H₂S content (moles/kilomole) for the pipeline

Z = compressibility factor at reduced pressure and reduced temperature

T = pipeline minimum operating temperature (°C)

Liquid Multiphase Pipeline H₂S Release Volume

For sour liquid multiphase pipelines, the volume of H₂S is determined by the following equation:

$$V = \frac{(GLR \times GVF)}{1000(GLR + GVF)} \times V_{p1} \times H$$

Where

V = potential H₂S release volume at standard condition (m³)

GLR = produced gas-liquid ratio at maximum operating pressure (MOP) (m³/m³)

GVF = ratio of produced gas volume at standard conditions to the volume of gas at MOP (m³/m³)

V_{p1} = volume of the pipeline (m³)

H = licensed H₂S content (moles/kilomole) for the pipeline

Gas Multiphase Pipeline H₂S Release Volume

$$V = 0.785 \times 10^{-6} D^2 L \frac{(GLR \times GVF)}{(GLR + GVF)} \times H$$

Where

D = internal diameter of pipe in millimetres (mm)

L = length of pipe between block valves (km)

CHART C: PIPELINE DISTANCES

