

Mike Doyle is the President of the CAGC – the Canadian Association of Geophysical Contractors - representing the business interests of the seismic industry within Canada. The CAGC website may be found at www.cagc.ca.

As I look back upon my columns I find some of the same topics popping back up from time to time. As we recently sat down to look at line widths again, one of my members said we did this 10 years ago however the thresholds were wider. We see political issues such as this one being the most likely to bubble to the top again. As such this column deals with a topic that I have covered in the past also – that of Aboriginal Consultation in Alberta.

With the Alberta election behind us we will see a number of initiatives moving forward. We have heard rumors of combining Ministries into a “Super Ministry” covering all of oil and gas (seismic currently is separate from Energy) or perhaps even larger by putting all land access uses under one umbrella. As the Aboriginal portfolio continues to move forward in Alberta it would appear that Sustainable Resource Development (SRD) will eventually head the portfolio. SRD have been mandated to handle the conflicting land access initiative and as such the Aboriginal file will fall somewhat neatly into their hands.

The Government worked on a large framework document with Industry and First Nations over the past couple of years. This paper has reached a stage of completion from which it will finally go to the Cabinet for approval in principle. As such we move slowly into the crux of the matter, which includes developing guidelines for various industries in dealing with the actual nuts and bolts of consultation. The Alberta solution will recognize that seismic looks and operates quite differently from other land uses. Other land uses are often much more long term in nature and comprise large economics. Seismic, on the other hand, is short term in land use requirements and often has small economics. In addition we are often required to react quickly to land sales, under which our need for a 10-day approval needs to stay intact.

We have advocated that it is important that we meet the same consultation framework as all other industries but it must be done in a way that keeps the seismic process integral as a whole. Seismic is often the first industry into an area and as such is essential to the successful development of further industry as it relates to oil and gas. We believe it is possible to meet the requirements of both sides.

In Alberta some 24,000 wells will be drilled next year. In addition there are numerous other dispositions on the same land including seismic, roads, pipelines, electrical lines, forestry and so on. These total some number in excess of 40,000 dispositions per year in Alberta. Considering there is somewhere less than 60 Bands in Alberta the requirement for every disposition would be overwhelming to all sides. It would simply gum up an otherwise finely oiled machine. The trick then will be to layer on a new process in such a way that it doesn't fatally affect the Alberta Advantage.

The issues in Alberta in dealing with the Aboriginal issue are much the same as in any other jurisdiction. We must deal with the fiduciary responsibility of the Crown. Every newly completed court case requires the Government to once again look at their policies

to make sure they are still compliant. The issues of consultation are often vague dealing with Treaty Rights, their meaning and the interpretation of their scope. This is generally where jurisdictions have the greatest discrepancies in handling the issue. From an industry's standpoint we simply ask "who, what and when." Who do we need to consult with? What does consultation mean? When does the consultation need to take place?

Industry is comfortable with clarity. Give us maps that allow us to clearly see who we need to consult with based on where we are on a map. These often deal with things such as conflicting traditional land boundaries between Bands that overlap sometimes in multiples. The Alberta Government thus far has instead dealt with Traditional Land Uses. In such a case the map would instead identify areas of interest such as burial grounds, berry patches and so on. In any case this is all generally cloaked in secrecy as there is a desire to keep out the general public and/or the curious.

What does consultation mean? This sounds simple but is perhaps the most complex of all three questions. We relate these to discussion of our projects, potential mitigation when we infringe on a protected area. The Aboriginals may in fact be more concerned with economics perhaps jobs and/or perhaps a cut of the royalties. The Government shies away from here. Industry has said in many other jurisdictions that a small cut of royalties may deal with things such as capacity and with the struggle to take away the competitive market for job operations. We end up being forced to use companies that may not be experienced or safe. Giving away money is not always a good thing. Other jurisdictions have done so with little or no accountability and it has simply made certain individuals rich.

As mentioned earlier, the number of dispositions is daunting. The Bands require some form of capacity building mechanism to ensure they handle the workload but once again accountability is required. This leads to the final question. When does the consultation need to take place? Industry often talks about a threshold – a "smart" regulatory system in which a large number of dispositions would pass as simple notification. This is a challenge when dealing with things such as cumulative effect. Even small dispositions add up to big effects in time. In addition seismic has its own challenge with this one. The framework document talks about the Industry's responsibility to consult prior to application. In the case of a land sale this may be very cumbersome for seismic. We simply may not have any more than the 10 days to be out on the ground.

The challenges with this portfolio are significant. One of my Aboriginal members stated. "Every Band thinks differently," This is a challenge for our Industry which likes one set of universally applied rules.

Change comes at us constantly and shows no mercy. Change takes no prisoners and offers no safe harbor. Only those leaders who possess the necessary skills for anticipating change within their organizations will survive into the next millennium with their sanity and careers intact.

From the Thursday Files:

May you live in interesting times.

- An ancient Chinese curse