

Working Title First Nation Consultation Approval Specialist		Name	
Position Number		Ministry	Indigenous Relations
Present Class PS3		Requested Class	
Dept ID	Program Code	Project Code (if applicable)	

PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see [Section 2.3](#)).

The Aboriginal Consultation Office (ACO) provides strategic and regulatory consultation processes that balance the needs and competing interests of a diverse stakeholder group including the Alberta Energy Regulator (AER), Alberta Environment and Protected Areas, Forestry and Parks (FP), Agriculture and Irrigation (AI), Alberta Energy, Municipal Affairs, Alberta Infrastructure, Alberta Transportation & Economic Corridors, Federal Government, regulatory bodies and agencies (i.e. Alberta Utilities Commission, Natural Resources Conservation Board), industry, the public, Aboriginal communities/groups, First Nations, Métis communities and interest groups in a way that is efficient, integrated and collaborative. Common service delivery with unique client needs to meet the needs of the AER, and GoA Ministries in a way that is efficient, collaborative, coordinated, consistent, and more focused on strategic-level Aboriginal consultation services. The ACO works collaboratively to provide a common integrated and aligned position relative to the AER, and GoA's Ministries' strategic goals and objectives in consultative and engagement initiatives with aboriginal organizations.

ACO Vision: The ACO is a unit that provides engagement and consultation services that meet the needs of the AER, and GoA Ministries in a way that is efficient, collaborative, coordinated and consistent; and increasingly more focused on strategic-level Aboriginal engagement.

Reporting to the Region Lead, the Approval Specialist is responsible for the consistent application, interpretation and implementation of *Alberta's First Nations Consultation Policy and Guidelines on Land Management and Resource Development* and *Alberta's Metis Settlement Consultation Policy and Guidelines on Land Management and Resource Development* in support of AER, FP, AI, and Energy Ministry mandates. The Approval Specialist is required to have knowledge of applicable AER and GoA Ministries' legislation, regulations, policies, directives and procedures.

As an important part of the ACO Regulatory Consultation team, the Approvals Specialist is the first point of contact for industry clients requesting lands dispositions through the electronic disposition system (EDS) and Digital Service (DS). As First Nations and Metis Settlements consultation is required to be assessed prior to accessing Crown lands, this position is critical to efficient, accurate and timely responses back to interested parties prior to them applying for proposed projects on public land in Alberta. While currently Approval Specialists assess Public Lands dispositions only, it is anticipated that this responsibility will expand to additional natural resource activities in the near future, including requirements under the Water Act, Environmental Protection and Enhancement Act, Forestry and other regulatory functions including those that align with the Alberta Energy Regulator.

This position is responsible for reviewing proposed land use and resource development projects to determine if they may have the potential to adversely impact First Nations' and Metis Settlements' rights and traditional uses, providing initial direction to proponents as to whether consultation is required and to what level, and which First Nations and Metis Settlements are to be consulted.

The position also completes a review of consultation logs and records submitted by proponents, in order to assess the adequacy of consultation. As part of this adequacy of consultation assessment, Approval Specialists also review mitigation measures to ensure concerns have been addressed appropriately and in alignment with resource management objectives. Where concerns are raised that are Crown issues to be addressed (i.e. cumulative effects), the Approval Specialist will forward this concern to the appropriate unit.

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The ACO's Regional Operational Structure aligns with the seven Land Use Framework (LUF) Corporate boundaries. The Northeast Region consists of the Lower Athabasca LUF Region; the Northwest Region consists of the Lower Peace, the Upper Peace and the Upper Athabasca LUF Regions; and the Southern Region consists of the North Saskatchewan, Red Deer and South Saskatchewan LUF Regions.

Approval Specialist will be assigned to regional work units within the ACO in order to provide regional support and assist regional staff to manage regional files from the pre-consultation assessment stage to the adequacy of consultation assessment stage.

Approval Specialists are required to maintain complete and accurate records of the consultation process within the department record management system. If a decision is appealed by the proponent, First Nations or the Metis Settlement, the position must assemble records to demonstrate that decisions followed policy and procedures.

First Nations and Metis Settlements consultation must be deemed complete and adequate before a land-use disposition can be issued by FP or the Alberta Energy Regulator. This position ensures that the Duty of the Crown and delegated procedural aspects of consultation have been met prior to land use and resource development activities occur on public lands.

Operating in a team environment, this position collaborates with other Approvals Specialists and Consultation Advisors to: ensure regional and provincial consistency in making consultation decisions, provide clarification and interpretation of documents, and effectively deliver Regulatory Consultation objectives for client ministries and project proponents.

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3 major activities should be described (see [Sections 2.1](#) and [2.2](#)).

1. The position is responsible for providing First Nations and Metis Settlements Consultation direction to proponents where specific administrative elements of the consultation process have been delegated.
 - a. Conduct First Nations and Metis Settlements Consultation assessment requests for Public Lands Act dispositions and evaluate against corporate decision-making criteria and business rules that specifies what type of land use may trigger what degree of consultation in a consistent manner.
 - b. Where criteria are not provided, the Approvals Specialist will use significant judgement and experience to interpret and assess the land-use activity against consultation policy and procedures to make an assessment decision. The Approvals Specialist will work closely with the regional Consultation Advisors to make a determination.
 - c. Assess and direct consultation with specified First Nations and Metis Settlements based on land use type, potential activity intensity, and local knowledge of the area. Extensive discussions with Regional Consultation staff, FP and Alberta Energy Regulator Operations staff may be required to make a correct determination.
 - d. Coordinate with other regulatory agencies if extensive consultation (e.g., Environmental Impact Assessment) is required including Alberta Energy Regulator, FP staff with support from regional Consultation staff
 - e. Respond to proponent inquiries about the consultation process and requirements.
2. The position is responsible for assessing the adequacy of First Nations and Metis Settlements Consultation in accordance with the Government of Alberta's First Nations and Metis Settlements Consultation Policies on Land Management and Resource Development, the First Nations and Metis Settlements Consultation Guidelines on Land Management and Resource Development, and specifically for the application of the ACO's Consultation operating procedures province-wide.
 - a. The Approval Specialist evaluates the proponent's First Nations and Metis Settlements consultation summary and determines adequacy of consultation.
 - b. If consultation is inadequate, the position identifies deficiencies, and directs proponents to complete their First Nations and Metis Settlements consultation as required to meet policy requirements.
 - c. Where First Nations and Metis Settlements identify site-specific concerns associated with the proposed activity, the position assesses the appropriateness of mitigation proposed.
 - d. As supported by processes, where First Nations and Metis Settlements identify more general or non-site specific or project specific concerns (i.e. cumulative impacts), the position summarizes these concerns, including appropriate documentation, and forwards the concern to the appropriate FP unit that is able to address the concern and respond to the First Nation and Metis Settlement.
 - e. The position makes decisions regarding the adequacy of proponent consultation, and notifies industry, First Nations and Metis Settlements of decisions made.

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- f. For complex projects where mitigation was required to address potential specific adverse impacts to Treaty rights or traditional uses, the position evaluates the consultation undertaken, the mitigation proposed, and documents the rationale and recommendations to the Region Lead for the adequacy decision.
3. The position must document all aspects of the consultation process as directed through Regulatory Consultation's document management policy and procedures as decisions may be subject to appeal or legal challenge.
 - a. The position manages all documents and records related to proponent led consultation (including proposed mitigation, Crown direction, First Nation responses, Metis Settlement responses and all related correspondence) which must be stored in AEP's Knowledge Centre through the Electronic Disposition System, as well as the Digital Service.
 - b. The position ensures quality control over all documents by routinely auditing systems and processes, and directing corrective action if required.
4. If a decision is appealed by the proponent, a First Nation or a Metis Settlement, the position must assemble all records to demonstrate that the decision followed policy and procedures.
 - a. Knowledge Centre files are identified and compiled.
 - b. Briefing notes are written to demonstrate the decision making process and rationale.
 - c. Works with Aboriginal Law, ACO Region Lead and the rest of the regional Consultation team to compile necessary information and determine steps forward.
5. Approvals Specialists may, from time to time, be required to participate in activities not specifically identified or defined in this job description in order to meet an operational need, or to develop their skills in preparation of advancement. In order to meet an operational need, or to facilitate individual growth, other duties may be assigned by ACO Management.

SCOPE: List specific information that illustrates what internal or external areas the job impacts, and the diversity, complexity, and creativity of the job (see [Section 2.4](#)).

This position is directly responsible for determining the adequacy of consultation carried out by a proponent wishing to conduct land use and resource development work issued under authority of the Public Lands Act (and potentially other specified enactments) on public lands in Alberta. These decisions have the potential to result in conflict between industry and government, industry, First Nations/Metis Settlements, and government and First Nations/Metis Settlements. In extreme cases, decisions could result in potential litigation against the Government of Alberta and/or industry by First Nations. As a result, it is imperative that the incumbent is thoroughly knowledgeable in policies and processes regarding First Nations consultation. The incumbent must also gain a thorough understanding of individual First Nations and Metis Settlements in each region for which they are responsible, and the capacity of the First Nation and Metis Settlement to determine potential impacts of proposed projects and their philosophies for addressing any concerns.

Record keeping is critical in this position, given the strong likelihood of litigation to arise from any one of these files; this does not refer simply to the maintenance of the records but more an understanding of the content and context of the written material.

The position must have an understanding of the various land use activities that can occur on the public landscape from the disposition level to the regional landscape level, including cumulative effects concepts. As responsibilities expand beyond public lands to other resource management activities, a broader understanding of consultation in relation to these activities will support a shift to strategic level consultation and streamline overall First Nations and Metis Settlements Consultation efforts.

The position interacts with the full range of public land users who undertake activities on public land including but not limited to: oil and gas operators (for pipelines, wellsites, roads), transmission line operators, sand and gravel operators, recreational groups, geophysical operators, trappers, oil sands exploration, and others. This position must be able to manage these interactions and utilize strong conflict resolution, mediation and negotiation skills, as there may be several occasions when the incumbent must advise industry that consultation is not adequate and further work is required by industry. Future interactions may include Forest operators; small timber quota holders, hydro-electric operators, agricultural lease holders, municipalities and a broad spectrum of AER and FP regulatory staff.

The position must be able to interpret the criteria for consultation adequacy to make decisions. Decisions will impact the ability of a public land user to proceed or not proceed with their proposed activity, and impact land and resources used by First Nations

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and Metis. The incumbent must be able to deliver GOA decisions to industry, First Nations and Metis, even when those decisions are not going to be positively accepted by either party.

The position must follow established criteria and guidelines when making decisions, but can identify gaps in the criteria and guidelines based on the land-use scenarios that arise, and propose solutions consistent with policy direction.

KNOWLEDGE, SKILLS & ABILITIES: Provide a list of diplomas, degrees and the most important knowledge factors, skills and abilities including knowledge about practical procedures, specialized techniques, etc.; analytical and conceptual skills and abilities; and skills needed for direct interaction with others. Specific training if it is an occupational certification/registration required for the job.

Bachelor's Degree in Natural Resource Management (or equivalent), along with several years of experience dealing with industrial or other land use clients to understand the range of natural resource and land management activities that may require First Nations or Metis Settlement consultation

Natural resource background to understand the potential impacts of the proposed land use activities so that a correct determination of consultation requirements can be made.

Experience working with First Nations in land management and resource development context, including a knowledge of First Nations in a Treaty context and associated Treaty Rights and traditional uses

Experience working with Metis communities and/or knowledge of Metis history, culture and rights.

Sound knowledge of records management procedures and Freedom of Information and Protection of Privacy Act (FOIPPA) requirements is essential.

Sound knowledge of the Public Lands Act, Public Lands Administration Regulation, Alberta's First Nations and Metis Settlements Consultation Policies and Guidelines on Land Management and Resource Development, and other related regulations and guidelines and procedures.

Excellent interpersonal communication and public relations skills.

Strong conflict resolution skills, including mediation and negotiation.

Excellent organizational and time management skills.

Ability to exercise a high degree of independent decision making by applying professional judgement and objectivity to interpretation of criteria.

Excellent problem solving skills.

Computer skills related to job related information systems.

CONTACTS: The main contacts of this position and the purpose of those contacts.

Regional Consultation Director, – As required

Region Leads and Consultation Advisors – Daily, or as required, to seek direction on new/unique situations, provide updates, seek resolution of strategic/policy issues, develop consistent and coordinated approaches and solutions.

FP staff – Daily or as required, to ensure policy/process consistency, clarify expectations

AER staff – Daily or as required, to ensure policy/process consistency, clarify expectations

Proponents – Daily, or as required, to communicate information and process needs and requirements, and to communicate consultation requirements/decision

First Nations and Metis Settlements – As required, to communicate ACO's decisions regarding proponent-led consultation

SUPERVISION EXERCISED: List position numbers, class titles, and working titles of positions directly supervised.

None.