



*Oil and Gas Activities Act*

CONSULTATION AND NOTIFICATION  
REGULATION  
**B.C. Reg. 279/2010**

Deposited September 24, 2010 and effective October 4, 2010  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 279/2010 (Oil and Gas Commission), deposited September 24, 2010 and effective October 4, 2010, is made under the *Oil and Gas Activities Act*, S.B.C. 2008, c. 36, ss. 106 and 107.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

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*Oil and Gas Activities Act*

**CONSULTATION AND NOTIFICATION REGULATION**

**B.C. Reg. 279/2010**

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Point in time from November 30, 2017 to May 31, 2021

## *Oil and Gas Activities Act*

# CONSULTATION AND NOTIFICATION REGULATION

B.C. Reg. 279/2010

## PART 1 – DEFINITIONS AND INTERPRETATION

### Definitions

1 In this regulation:

“**Act**” means the *Oil and Gas Activities Act*;

“**applicant**” means a person who

- (a) is a prescribed person,
- (b) submits an application for a major amendment under section 31 of the Act and is required by the commission under subsection (5) of that section to carry out consultations or notifications, or
- (c) submits an application for an extension under section 32 of the Act and is required by the commission under subsection (3) of that section to carry out consultations or notifications;

“**approved activities**” means oil and gas activities for which an applicant has a permit;

“**approved area**” means an area, specified in a permit, on which a permit holder has permission to carry out an oil and gas activity;

“**arterial highway**” has the same meaning as in section 1 of the *Transportation Act*;

“**community watershed**” means a community watershed continued or established under the *Oil and Gas Activities Act*;

“**consultation distance**” means a distance, set out in section 6, 7, 8 or 9 and measured in accordance with section 2, from the site of proposed activities, within which an applicant with respect to the proposed activities must carry out consultations in accordance with this regulation;

“**facility area**” means an area within which an applicant intends to locate one or more facilities;

“**LNG facility**” has the same meaning as in the Liquefied Natural Gas Facility Regulation;

“**local authority**” means a regional district and a municipality;

“**major amendment**” means an amendment to a permit to do one or more of the following:

- (a) increase by one hectare or more the approved area with respect to a wellsite, facility, pipeline, oil and gas road or seismic line;
- (b) shift by 100 meters or more the approved area with respect to anything referred to in paragraph (a);
- (c) change the approved activities under the permit by adding approval with respect to

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Part 1 – Definitions and Interpretation

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- (i) a petroleum or natural gas well or facility, but not including an approval with respect to a blow case, coalescer, condensate pump, cooler, field header, filter pot, flare knock out drum, gas boot, meter, odourization pot, chemical pump, water injection pump, recycle pump, regulator, regulator vault, sand filter, scada, scrubber, separator, chemical tank, de-sand tank, vapour recovery unit, facility linkage change to a well or facility, generator under 200 kW, line heater, pig trap, valve, valve vault, fresh water tank, propane tank, or
- (ii) a pipeline for petroleum, natural gas or both, but not including a pipeline for flow reversal;

“**municipal highway**” has the same meaning as in section 1 of the *Transportation Act*;

“**notification distance**” means a distance, set out in section 6, 7, 8, 9 or 10 and measured in accordance with section 2, from the site of proposed activities, within which an applicant with respect to the proposed activities must provide notification in accordance with this regulation;

“**oil and gas road**” has the same meaning as in the Oil and Gas Road Regulation;

“**prescribed person**” means a person in a class of persons prescribed under section 3;

“**proposed activities**” means oil and gas activities that are or will be the subject of an application under section 24, 31 or 32 of the Act;

“**proposed area**” means the area on which an applicant intends to carry out proposed activities;

“**rights holder**” means a person who holds any of the following rights:

- (a) a
  - (i) permit under section 14 of the *Land Act*, or
  - (ii) licence under section 39 of the *Land Act*under which the person is granted non-intensive occupation or use of the land;
- (b) a community forest agreement, forest licence, timber sale licence, tree farm licence or woodlot licence under the *Forest Act*;
- (b.1) a forestry licence to cut under the *Forest Act*, if the licence is a major licence as defined in section 1 of that Act;
- (c) a grazing permit or grazing license under the *Range Act*;
- (d) a guide outfitter’s licence for Crown land, guiding territory certificate for Crown land or a registered trapline under the *Wildlife Act*;
- (e) a mineral claim under the *Mineral Tenure Act*;
- (f) a water licence under the *Water Act*;

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“**wellsite**” means an area within which an applicant intends to locate one or more wells and facilities.

[am. B.C. Regs. 7/2011, s. 1; 204/2013, App. 1, s. 1; 147/2014, Sch. 1, s. 1.]

**Interpretation**

- 2** (1) In this regulation, notification distances and consultation distances are
- (a) horizontal distances, and
  - (b) measured from
    - (i) the centre point of a facility area or wellsite, and
    - (ii) the centre line of a pipeline right of way, oil and gas road right of way or seismic line.
- (2) In this regulation, “**known**”, when used to describe information, means that the information
- (a) is contained in the Integrated Land and Resource Registry referred to in section 7.2 of the *Land Act*, or
  - (b) in relation to a prescribed applicant,
    - (i) has been made available by the commission to the prescribed applicant, or
    - (ii) is or ought reasonably to be known to the prescribed applicant.

**PART 2 – OBLIGATION TO NOTIFY OR CONSULT****Division 1 – Obligations****Prescribed classes of persons**

- 3** The following classes of persons are prescribed for the purposes of section 22 (1) of the Act:
- (a) persons who intend to carry out an oil and gas activity on a land owner’s land;
  - (b) persons who intend to carry out an oil and gas activity on land that is not owned by a land owner, but not including persons intending to carry out an oil and gas activity that is limited to
    - (i) the construction of a water pipeline or a gas pipeline for testing a well, if the pipeline is
      - (A) located on the surface,
      - (B) not for use after the well for which it is associated is constructed, and
      - (C) located on the wellsite,
    - (ii) the operation of a pipeline, or

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(iii) the maintenance of an oil and gas road.

[am. B.C. Regs. 56/2013, s. 2 (a); 204/2013, App. 1, s. 2.]

**Obligation to notify or consult**

- 4** (1) Subject to subsections (2) to (4) and section 5, an applicant must provide
- (a) to a land owner who the applicant is required to notify under section 22 (2) or 31 (1) of the Act an invitation to consult with respect to the applicant's proposed activities,
  - (b) to a local authority
    - (i) a notification with respect to the applicant's proposed activities, if any of the following is within an applicable notification distance:
      - (A) an existing building or structure owned by the local authority;
      - (B) an area identified in an official community plan prepared by the local authority in respect of which a statement and map designation has been made in accordance with section 473 (1) of the *Local Government Act*;
      - (C) a known community watershed, all or a portion of which is within the boundary of the local authority's territory, or
    - (ii) an invitation to consult with respect to the applicant's proposed activities, if an existing building or structure owned by the local authority is within an applicable consultation distance,
  - (c) to the government of Canada
    - (i) a notification with respect to the applicant's proposed activities, if an existing building or structure owned by the government of Canada is within the applicable notification distance, or
    - (ii) an invitation to consult with respect to the applicant's proposed activities, if an existing building or structure owned by the government of Canada is within the applicable consultation distance,
  - (d) to a First Nation
    - (i) unless subparagraph (ii) applies, a notification with respect to the applicant's proposed activities, if all or a portion of the First Nation's Indian reserve is located within an applicable notification distance, or
    - (ii) an invitation to consult with respect to the applicant's proposed activities, if all or a portion of the First Nation's Indian reserve is located within an applicable consultation distance,
  - (e) to a person, other than a person referred to in section 22 (2) or 31 (1) of the Act, who is registered in the land title office as the registered owner of the land surface or as its purchaser under an agreement for sale,
    - (i) unless subparagraph (ii) applies, a notification with respect to the applicant's proposed activities, if all or a portion of the land is located within an applicable notification distance,



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- (ii) an invitation to consult with respect to the applicant's proposed activities, if all or a portion of
  - (A) a residence that the person occupies, or
  - (B) a structure that the person uses to shelter livestock is located within an applicable consultation distance, or
- (iii) an invitation to consult with respect to the applicant's proposed activities, if the person is a school board and a school or related structure owned by the school board is within an applicable consultation distance,
- (f) to a person who has entered into an agreement with the land owner to lease or rent a residence or a structure used for livestock on the land, an invitation to consult with respect to the applicant's proposed activities, if all or a portion of the residence or structure is located within an applicable consultation distance, and
- (g) to a rights holder
  - (i) a notification with respect to the applicant's proposed activities, if the rights holder is not a holder of a forest licence or tree farm licence under the *Forest Act* and the proposed activities are to be carried out on an area subject to a right of the rights holder, as listed in the definition of "rights holder" in section 1, or
  - (ii) an invitation to consult with respect to the applicant's proposed activities, if
    - (A) the proposed activities are to be carried out on an area subject to a right of the right's holder, as listed in the definition of "rights holder" in section 1, and
    - (B) it is known to the applicant that the ability of the rights holder to exercise a right listed in the definition of "rights holder" in section 1 will be directly and adversely affected by the proposed activities.
- (2) An applicant required under subsection (1) to provide a notification may instead provide an invitation to consult under section 13.
- (3) Unless subsection (4) applies, an applicant, in respect of an application for a pipeline that
  - (a) is to be located within a municipality and within the right of way of an arterial highway or municipal highway, and
  - (b) is to be used for transporting petroleum, natural gas or both,must provide an invitation to consult to
  - (c) the ministry of the minister responsible for the administration of the *Transportation Act*, and
  - (d) the municipal council.

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- (4) An applicant for a pipeline permit including permission to construct and operate a pressure regulating station to be installed on land owned by the applicant within a municipality must provide an invitation to consult to the municipal council of that municipality.

[am. B.C. Regs. 7/2011, s. 2; 217/2017, App. 2, s. 1.]

**Application of section 4 respecting revisions**

- 5** (1) Section 4 does not apply to the following:
- (a) an applicant who revises the proposed activities with respect to which the applicant previously complied with section 4, unless the revision adds one or more of the following activities:
    - (i) drilling or constructing a petroleum or natural gas well or facility;
    - (ii) constructing a pipeline for petroleum, natural gas or both;
  - (b) an applicant who revises the proposed area for proposed activities with respect to which the applicant previously complied with section 4, unless the applicant revises the proposed area by
    - (i) increasing the proposed area by one hectare or more, or
    - (ii) shifting the proposed area by 100 meters or more in any direction.
- (2) If section 4 applies with respect to a revision referred to in subsection (1) of this section, the applicant
- (a) must comply with section 4 by providing the person or other entity referred to in that section with a notification or an invitation to consult with respect to the proposed activities, as revised, if the applicant did not previously provide the person or entity with a notification or invitation to consult with respect to the proposed activities, and
  - (b) may comply with section 4 by providing the person or other entity referred to in that section with a notification or an invitation to consult only with respect to the revision, if the applicant previously provided the person or entity with a notification or invitation to consult with respect to the proposed activities.

[am. B.C. Reg. 204/2013, App. 1, s. 3.]

**Notification and consultation distance for facilities**

- 6** (1) For proposed activities that
- (a) include the use of a facility, other than
    - (i) an LNG facility, a processing plant or a pump station that is to be located in a facility area or wellsite, or
    - (ii) a compressor station that is to be on a wellsite and that is
      - (A) to be a permanent, fixed structure, or
      - (B) to service natural gas originating from wells not located on the wellsite, and

**CONSULTATION AND NOTIFICATION REGULATION**Part 2 – Obligation to Notify or Consult

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(b) process petroleum, natural gas or both, or water,

the notification distance and the consultation distances are as follows:

(c) if one facility is proposed and the proposed facility area or wellsite is less than 5 hectares,

(i) the notification distance is 1 500 m, and

(ii) the consultation distance is 1 000 m;

(d) if one facility is proposed and the proposed facility area or wellsite is 5 hectares or more

(i) the notification distance is 1 800 m, and

(ii) the consultation distance is 1 300 m;

(e) if more than one facility is proposed and the proposed facility area or wellsite is 5 hectares or more,

(i) the notification distance is 1 800 m, and

(ii) the consultation distance is 1 300 m.

(2) For proposed activities that

(a) include the use of a facility that is

(i) a processing plant or pump station that is to be located in a facility area or wellsite, or

(ii) a compressor station, other than a compressor station that is to be on a wellsite and that

(A) is not to be a permanent, fixed structure, or

(B) is to service only natural gas originating from wells located on the wellsite, and

(b) will process, compress or pump petroleum, natural gas or both, or water,

both the notification distance and the consultation distance are 3 300 m.

(3) For proposed activities that include the use of an LNG facility, both the notification distance and the consultation distance are 3 300 m.

[am. B.C. Regs. 7/2011, s. 3; 204/2013, App. 2, s. 1; 147/2014, s. (c) and Sch. 1, s. 2; 217/2017, App. 2, s. 2.]

**Notification and consultation distance for wells**

**7** Subject to section 6, for proposed activities that include the use of a well for producing petroleum, natural gas or both, or water, the notification distance and the consultation distance is as follows:

(a) if fewer than 9 wells are proposed and the wellsite on which the wells are to be located is less than 5 hectares,

(i) the notification distance for the proposed activities is 1 500 m, and

(ii) the consultation distance for the proposed activities is 1 000 m;

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- (b) if 9 or more wells are proposed or the wellsite on which the wells are to be located is 5 hectares or more,
- (i) the notification distance for the proposed activities is 1 800 m, and
  - (ii) the consultation distance for the proposed activities is 1 300 m.
- [am. B.C. Regs. 7/2011, s. 4; 204/2013, App. 2, s. 2; 217/2017, App. 2, s. 3.]

**Notification and consultation distance for pipelines**

- 8** For proposed activities that include the use of a pipeline for transporting petroleum, natural gas, or both, or water, both the notification distance and the consultation distance are 200 m.
- [am. B.C. Regs. 7/2011, s. 5; 204/2013, App. 2, s. 3; 217/2017, App. 2, s. 4.]

**Notification and consultation distance for oil and gas roads**

- 9** The notification distance and consultation distance for the construction of an oil and gas road is 200 metres.
- [am. B.C. Reg. 56/2013, s. 2 (b).]

**Notification distance for geophysical exploration**

- 10** The notification distance for the carrying out of geophysical exploration is 400 metres.

**Division 2 – Notifications****Content of notice**

- 11** A notice provided under section 4 must include all of the following:
- (a) the name of the applicant;
  - (b) the name, phone number and electronic mail address, if any, of the contact person for the applicant;
  - (c) a description of the location of the proposed activities and a map that shows the location in relation to dwellings, public facilities and nearby urban centres;
  - (d) a description of
    - (i) the proposed activities and any significant structures and equipment that will be used to carry them out, and
    - (ii) any roads that will be constructed to carry out the proposed activities;
  - (e) a description of how, if at all, the proposed activities relate to existing oil and gas activities being carried out within the notification distance;
  - (f) a description of the approximate order in which the proposed activities will be carried out;
  - (g) a statement advising that the person receiving the notice
    - (i) may provide a written response to the applicant within 21 days of receiving the notice, the written response either

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- (A) advising the applicant that the person does not object to the applicant's application, or
  - (B) setting out the reasons why the proposed activities that will be the subject of the applicant's application should not be carried out or should be modified, and
- (ii) may make a submission to the commission under section 22 (5) of the Act if the notice is in relation to an application under section 24 of the Act.
- (h) Repealed. [B.C. Reg. 204/2013, App. 2, s. 4.]  
[am. B.C. Regs. 7/2011, s. 6; 204/2013, App. 2, s. 4.]

**Replying to persons who responded to notice**

- 12** (1) An applicant who, within 21 days of having provided a notice under section 4, receives from a person a written response to the notice setting out reasons referred to in section 11 (g) (i) (B) must provide, as soon as practicable, a written reply to the person.
- (2) A written reply under subsection (1) must include all of the following:
- (a) a description of the revisions, if any, that will be made to the proposed activities described in the notice in light of the reasons set out in the written response;
  - (b) a statement advising that the written response and the written reply under this section will be included,
    - (i) in the written report referred to in section 24 (1) (c) of the Act, if the written reply is in relation to an application under section 24 of the Act,
    - (ii) in the written report referred to in section 31 (6) of the Act, if the written reply is in relation to an application under section 31 of the Act, or
    - (iii) in the written report referred to in section 32 (4) of the Act, if the notice is in relation to an application under section 32 of the Act;
  - (c) a statement advising that the person receiving the written reply may make a submission to the commission under section 22 (5) of the Act, if the written reply under this section is in relation to an application under section 24 of the Act.
- (3) On the applicable of the following dates, an applicant has no further obligation under this regulation respecting the provision of notice:
- (a) the date 21 days after the date on which the last of the notices required to be sent under section 4 was sent, if the applicant did not receive a written response referred to in section 11 (g) (i) (B) to any of the notices;
  - (b) the earlier of

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- (i) the date 21 days after the date on which the last of the notices required to be sent under section 4 was sent, and
  - (ii) the date when the applicant receives the last of the written responses referred to in section 11 (g) (i),
- if a written response has been received in response to every notice sent in accordance with section 4 and none of the written responses is a written response referred to in section 11 (g) (i) (B);
- (c) the earlier of
    - (i) the date 21 days after the date on which the last of the notices required to be sent under section 4 was sent, and
    - (ii) the date when the last responder who sent a written response referred to in section 11 (g) (i) (B) withdraws the objections set out in that written response,

if a written response has been received in response to every notice sent in accordance with section 4 and all objections set out in the written responses have been withdrawn;
  - (d) the later of
    - (i) the date 21 days after the date on which the last of the notices required to be sent under section 4 was sent, and
    - (ii) the date the applicant sends the last written reply required under subsection (1).

[am. B.C. Reg. 7/2011, s. 7.]

**Division 3 – Consultations****Content of invitation to consult**

- 13** An invitation to consult provided under section 4 must contain all of the following:
- (a) the name of the applicant;
  - (b) the name, phone number and electronic mail address, if any, of the contact person for the applicant;
  - (c) a description of the location of the proposed activities and a map that shows the location in relation to dwellings, public facilities and nearby urban centres;
  - (d) a description of
    - (i) the proposed activities and any significant structures and equipment that will be used to carry them out, and
    - (ii) any roads that will be constructed to carry out the proposed activities;
  - (e) a description of the approximate order in which the proposed activities will be carried out and of their approximate timing;
  - (f) for each phase of the proposed activities, a description of

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- (i) the nature and extent of reasonably foreseeable noise, dust and odours that will be caused by the proposed activities,
  - (ii) the measures that will be taken to mitigate the negative effects of noise, dust and odours, and
  - (iii) the nature and extent of vehicle traffic on oil and gas roads within the consultation distance;
- (g) a description of how, if at all, the proposed activities relate to existing oil and gas activities being carried out within the consultation distance;
- (h) a statement advising that the person receiving the invitation to consult
- (i) may provide a written response to the applicant, within 21 days of receiving the invitation to consult, the written response either advising the applicant that the person does not object to the applicant's application or doing one or both of the following:
    - (A) setting out the reasons why the proposed activities that will be the subject of the applicant's application should not be carried out or should be modified;
    - (B) requesting a meeting with the applicant to discuss the proposed activities, and
  - (ii) may make a submission to the commission under section 22 (5) of the Act, if the invitation to consult is in relation to an application under section 24 of the Act.

(i) Repealed. [B.C. Reg. 204/2013, App. 2, s. 4.]

[am. B.C. Regs. 7/2011, s. 8; 204/2013, App. 2, s. 4.]

**Consultation requirements**

- 14** (1) An applicant who, within 21 days of having provided an invitation to consult under section 4, receives from a person a written response to the invitation setting out reasons referred to in section 13 (h) (i) (A) or requesting a meeting referred to in section 13 (h) (i) (B) must
- (a) provide, as soon as practicable, a written reply to the person, and
  - (b) if the written response includes a request for a meeting, make reasonable efforts to arrange a meeting with the person.
- (2) A written reply under subsection (1) must include all the following:
- (a) a description of the revisions, if any, that will be made to the proposed activities described in the invitation to consult in light of the reasons set out in the written response and, if held, a description of the results of a meeting arranged under subsection (1) (b);
  - (b) a statement advising that the written response and the written reply under this section will be included

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- (i) in the written report referred to in section 24 (1) (c) of the Act, if the written reply is in relation to an application under section 24 of the Act,
    - (ii) in the written report referred to in section 31 (6) of the Act, if the written reply is in relation to an application under section 31 of the Act, or
    - (iii) in the written report referred to in section 32 (4) of the Act, if the written reply is in relation to an application under section 32 of the Act;
  - (c) a statement advising that the person receiving the written reply may make a submission to the commission under section 22 (5) of the Act, if the written reply under this section is in relation to an application under section 24 of the Act.
- (3) On the applicable of the following dates, an applicant has no further obligation under this regulation respecting the carrying out of consultations:
- (a) the date 21 days after the date on which the last of the invitations to consult required to be sent under section 4 was sent, if the applicant did not receive a written response referred to in section 13 (h) (i) (A) or (B) to any of the invitations;
  - (b) the earlier of
    - (i) the date 21 days after the date on which the last of the invitations to consult required to be sent under section 4 was sent, and
    - (ii) the date when the applicant receives the last of the written responses referred to in section 13 (h) (i),if a written response has been received in response to every invitation to consult sent in accordance with section 4 and none of them is a written response referred to in section 13 (h) (i) (A) or (B);
  - (c) the earlier of
    - (i) the date 21 days after the date on which the last of the invitations to consult required to be sent under section 4 was sent, and
    - (ii) the date when the last responder who sent a written response referred to in section 13 (h) (i) (A) or (B) withdraws the objections or the request for a meeting set out in the written response,if a written response has been received in response to every invitation to consult sent in accordance with section 4 and all objections and requests for meetings set out in the written responses have been withdrawn;
  - (d) the later of the following dates:
    - (i) the date 21 days after the date on which the last of the invitations to consult required to be sent under section 4 was sent;
    - (ii) the date the applicant sends the last written reply required under subsection (1);



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- (iii) the date after the date the applicant conducts the last meeting held, if any, after making the efforts required under subsection (1).

[am. B.C. Reg. 7/2011, s. 9.]

**PART 3 – NOTICE BEFORE ENTRY****Notice before entry**

- 15** (1) A notice under section 23 (3) of the Act must contain all of the following:
- (a) the name of the person intending to enter on land in accordance with section 23 (2) of the Act;
  - (b) the name, phone number and electronic mail address, if any, of a contact person for the person referred to in paragraph (a);
  - (c) a copy of the preliminary plan submitted to the commission under section 23 (1) of the Act;
  - (d) a description of the portion of land to be surveyed or examined and of the activities to be undertaken for the purpose of fixing the site of the pipeline;
  - (e) a description of the approximate order in which the activities referred to in paragraph (d) will be carried out;
  - (f) a statement advising the owner of the land that if the person intending to enter the land further intends to apply to the commission for a pipeline permit respecting a pipeline to be located on the land, then the person will notify or consult with the owner in accordance with the Act and the regulations.
- (2) A person intending to enter on land in accordance with section 23 (2) of the Act must provide to the owner of the land a notice under section 23 (3) of the Act at least 2 clear days before entering the land.

**PART 4**

- 16** Repealed. [B.C. Reg. 199/2011.]

**SCHEDULES A TO C**

Repealed. [B.C. Reg. 204/2013, App. 2, s. 5.]