

Protecting Treaty 8 rights & supporting responsible resource development

New agreements overview

BC & Blueberry River First Nations

BC & four Nations: Halfway River, Doig River, Saulneau, Fort Nelson

NE Roundtable Overview
March 22, 2023



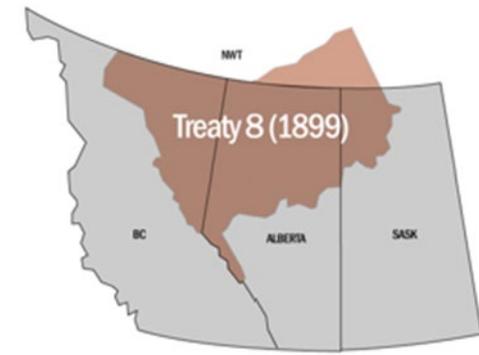
**BRITISH
COLUMBIA**

Today's presentation

- Start with context
- Overview agreements at high level
- Walk through some early, anticipated questions, with responses
- Open floor for additional questions
- Direct any offline follow-ups over today/tomorrow/Friday to Shayla.Blue@gov.bc.ca then prepare grouped set of responses either by email, webinar or recorded video.
- Continue the discussion at future NE Roundtable meetings, specific to implementation actions completed or underway.

- Agreements available online at: [First Nations A-Z Listing - Province of British Columbia \(gov.bc.ca\)](#)

Why are agreements needed?



- **1899** – Treaty signed in agreement of sharing the lands – Eight BC based Nations as signatories, adhering over time.
- **June 2021** – BC Supreme Court determined infringement of Blueberry River First Nations’ Treaty 8 rights.
 - The Province chose to not to appeal decision and negotiate with Blueberry River.
- **Court declarations** re: Blueberry River’s case:
 1. “...The Province’s mechanisms for **assessing and taking into account cumulative effects are lacking** and have contributed to the breach of its obligations under Treaty 8,”
 2. “...there are **not sufficient and appropriate lands** in the Blueberry Claim Area to allow for Blueberry’s **meaningful exercise of their treaty rights,**”
 3. “The **Province may not continue to authorize activities** that breach the promises included in the Treaty, ...or that **unjustifiably infringe** Blueberry’s exercise of its treaty rights,”
 4. “...**establish timely enforceable mechanisms to assess and manage the cumulative impact of industrial development...**ensure these constitutional rights are respected.”
- Good summary background on history created by Blueberry River - [Where Happiness Dwells](#) - Blueberry River First Nations (blueberryfn.com) or Treaty 8 itself – Treaty 8 Tribal Association website.

Towards Agreements

- Court declarations prevent further resource activities in large part of B.C (3.8 million hectares, or ~4%) without justification.
- Treaty 8 First Nations share Treaty 8 territory and have Treaty 8 rights – to hunt, fish and trap and carry out a traditional way of life.
- In 2021, 6/8 Treaty 8 Nations came together seeking negotiated path to reconcile on cumulative impacts on their treaty rights.
- Two BRFN agreements since court decision:
 - **Interim Agreement Oct 2021.**
 - **Implementation Agreement Jan 2023.**
- Four Nations signed (Halfway River, Doig River, Saulteau, Fort Nelson First Nations):
 - **Letters of Agreement (Consensus Document).**
 - **Revenue Sharing Agreements.**



New Agreements: *Expected and Anticipated Outcomes*

- Better recognition and respect for Treaty 8 rights.
- Timely and enforceable policies and procedures that address cumulative effects.
- A large restoration investment and program, to heal the land and people.
- New land use plans for the BRFN Claim Area, providing greater clarity for future conservation and development interests, and predictability for projects.
- New protected areas from new industrial activities, as possible Indigenous Protected and Conserved Areas.
- New regime / system for all natural resource sector activities, including new rules, requirements for pre-planning for permits or projects.
 - With BRFN: Introduce ecosystem-based management principles and approach for sustainable resource development. Initial emphasis on PNG, forestry and water use.
- If implemented as intended, agreement with Blueberry River will satisfy court's fourth declaration.

BRFN Implementation Agreement: *Overarching Purposes, Goals, Structure*

Purposes	Goals	Structure
<ol style="list-style-type: none">1. New approach to natural resource management which protects treaty rights2. Balance treaty rights and healing of the environment with sustainable regional economy3. Reduce greenhouse gas emissions	<ol style="list-style-type: none">1. Enhance restoration to heal the land2. Create new areas protected from new industrial activities3. Both support and constrain development activities	<ul style="list-style-type: none">• Interim approaches, forestry and oil & gas focused,• Longer term processes applicable to all land-based activities.

A framework for change: The Consensus Document (BC & six Nations)

- Set of initiatives in what we call the “Consensus Document:”
- Priority areas for action will:
 1. Address the cumulative impacts of industrial development,
 2. Develop ways to manage for cumulative effects going forward, to protect treaty rights,
 3. Create predictability for proponents and our governments on future resource development,
 4. Support responsible resource development paired with a significant investment in restoration to heal the land, and
 5. Share the message that *we are all treaty people*.

Priority change areas in agreements

- Wildlife management
- Restoration
- Land use planning (interim, longer term)
- Natural resource sector development: PNG, forestry, water (interim, longer term)
- Cumulative effects assessment and management / stewardship
- Economic measures
- Honouring the Treaty

Wildlife and Wildlife Management

Access to wildlife is integral to the practice of Treaty 8 rights and the way of life promised in the treaty.

PATH FORWARD:

- Work together **towards wildlife co-management**, starting with improving shared, trusted information on wildlife populations, bringing together Indigenous knowledge and western science.
- Substantial focus on moose management and caribou, including hunting regulations, to aid in the meaningful practice of Treaty Rights.
- Support cultural burning to promote wildlife habitat improvements.
- Continue support for caribou recovery and associated predator management.
- Support continued guardian and stewardship work.
- Create a **regional wildlife working group**, to bring together First Nations, the Province and interest groups on future shared management priorities.

Restoration

Decades of uncoordinated industrial disturbance have fragmented ecosystems and wildlife habitat, degrading the meaningful practice of treaty rights.

PATH FORWARD:

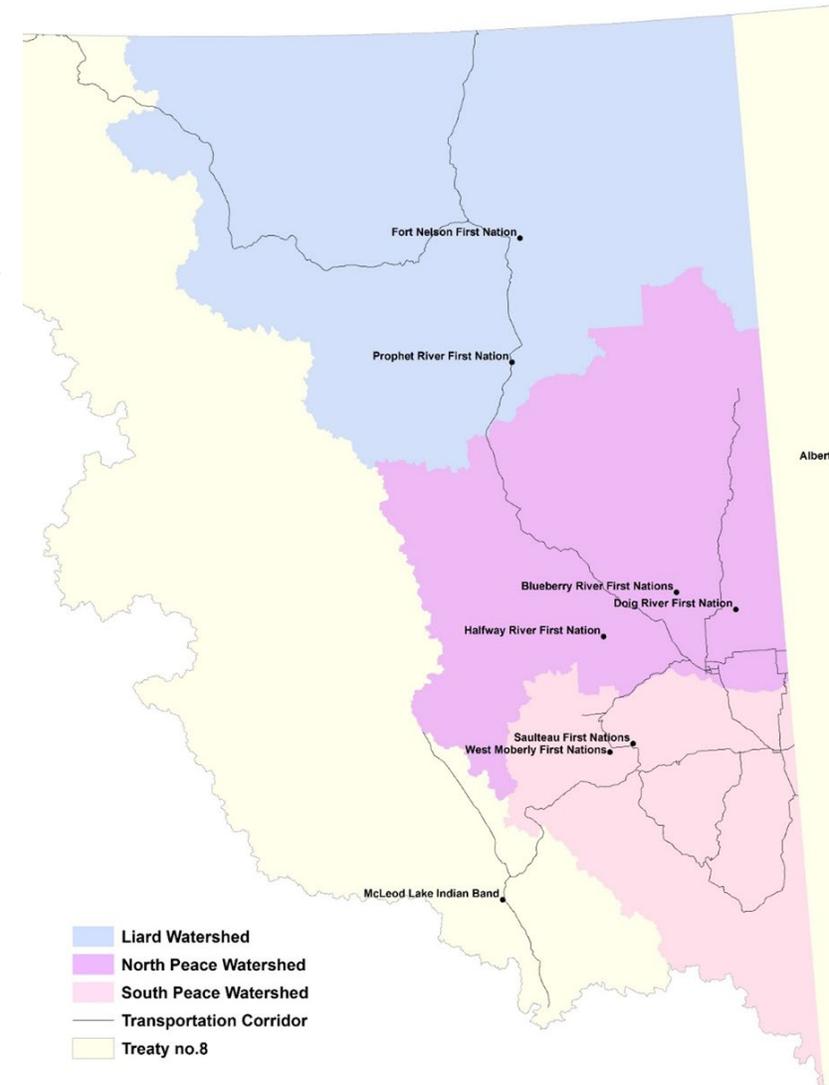
- Establish two BC-First Nation restoration funds, independent of all governments involved.
- Purpose = **heal the land and heal the people**.
- Joint oversight with Board of Directors, and **Indigenous-led delivery** and restoration standard setting for activities that are **incremental to existing obligations**.
- Provincial contribution shared between funds at >\$600M over ten years; can be offset by contributions from industry, non-government organizations, federal government.
- BRFN Example: PNG-related new land disturbance fees of \$60,000 / hectare in HV1 areas and Priority WMB Plan areas. In Trapline Areas outside of these two zones, disturbance fee applies / shared between BRFN and Other Treaty 8 Nations.

Land use planning

Land use plans from 1990s didn't adequately recognize or protect Treaty 8 rights. Treaty 8 First Nations treated as a stakeholder at the table, not independent governments with constitutionally protected rights.

PATH FORWARD:

- Develop new land use plans in the **Liard, North Peace and South Peace** areas.
- Work with BRFN in watersheds of greatest interest = Watershed Management Basin plans or "WMB plans."
- WMB plans are intended to implement **four agreed principles of ecosystem-based management** applicable for all natural resource sector activities:
 - Ensure old growth forest levels reflect what would be a natural condition for the ecosystems,
 - Establish reserved areas that protect, connect and recover important values,
 - Effectively protect and recover water, riparian and wildlife features, and
 - Promote sustainable economies and resilient communities.
- Four WMB plans from BRFN IA projected for completion within three years.

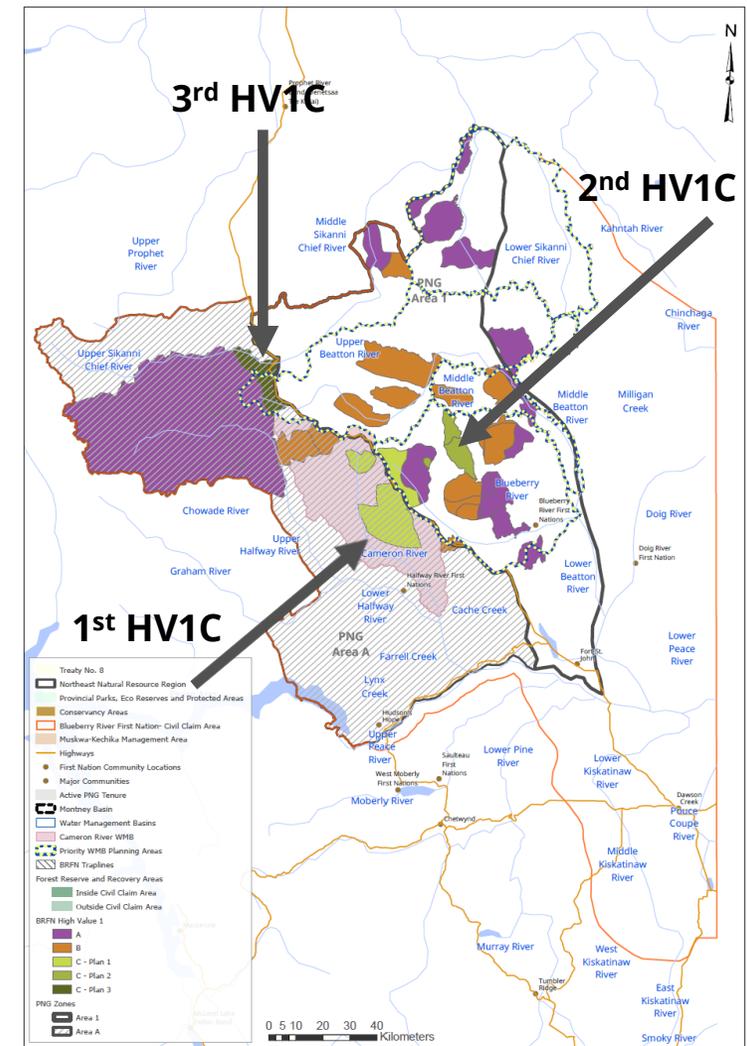


Early land use planning & operations

Land use plans and “WMB plans” are complex and will take years bringing multiple sectors, Nations and the public together, covering larger areas. To provide greater continuity for activities now, and a practical approach to shared decision making, a different approach is being advanced.

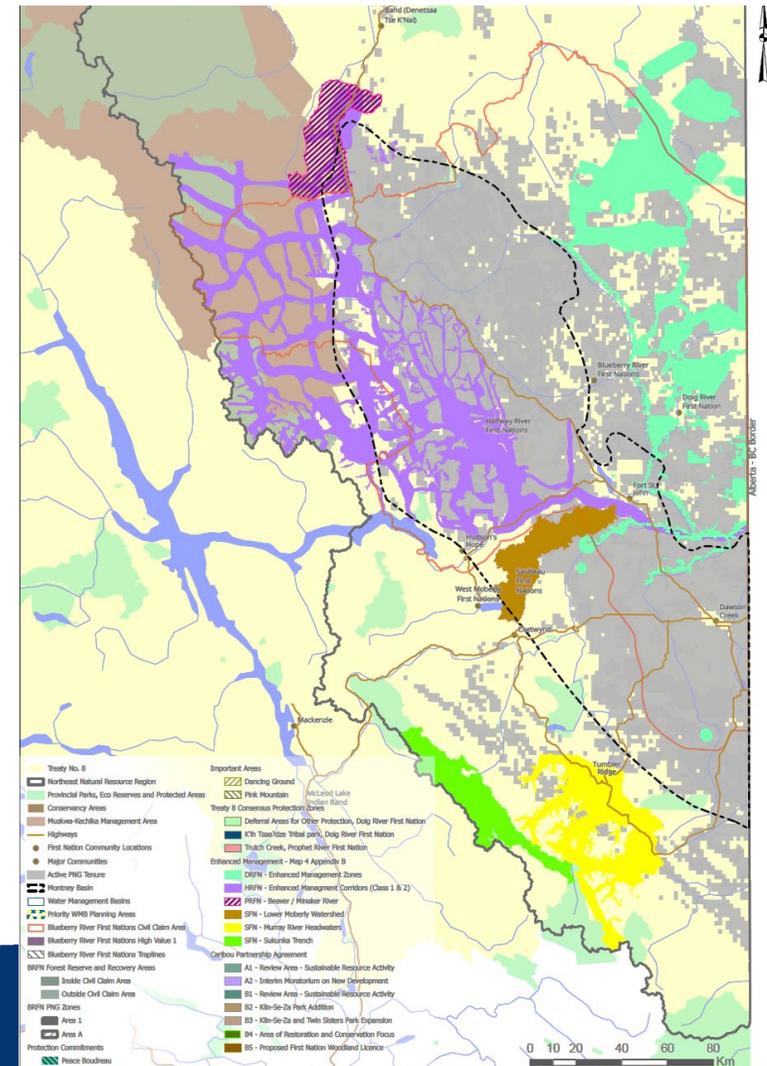
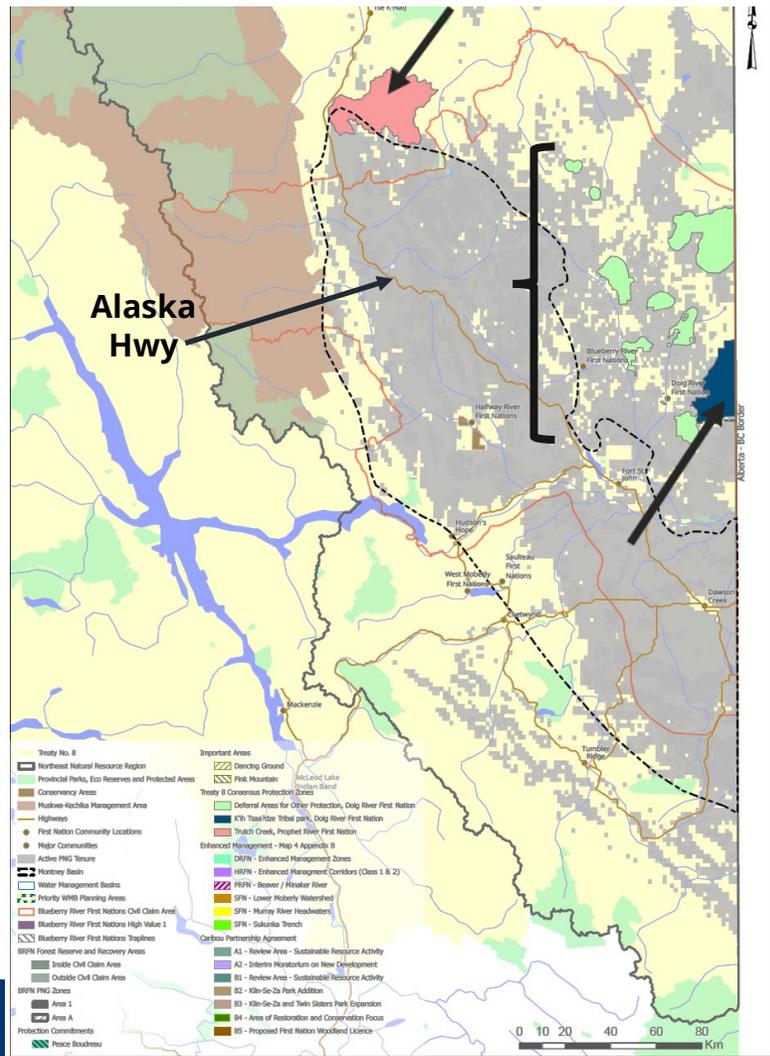
PATH FORWARD:

- ‘Restoration and development plans’ with Nations and industry:
 - Planning pilots with one or more sectors, with Halfway River and Sauleau First Nations (to start).
 - HV1 Plans with BRFN, focused on PNG activities (new intensive, up front planning approach).
- With BRFN, short term timber harvesting and oil and gas activities confirmed, to support economic activities while planning & restoration actions progress.



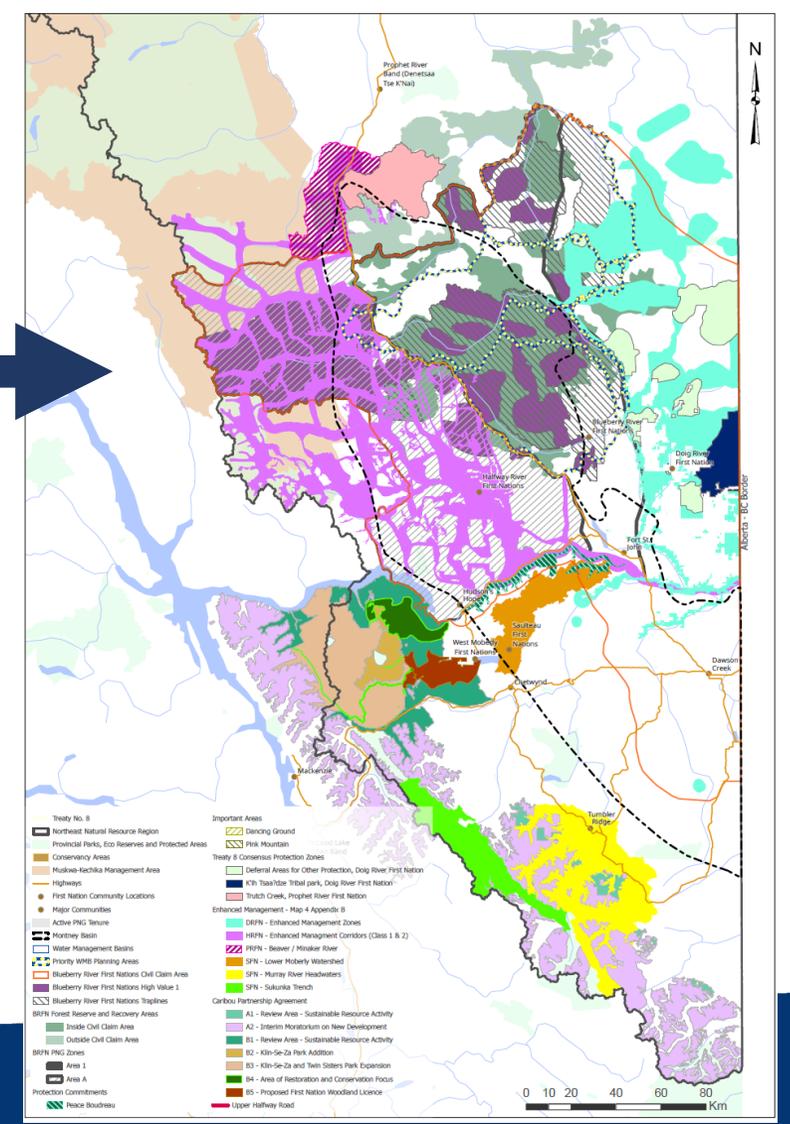
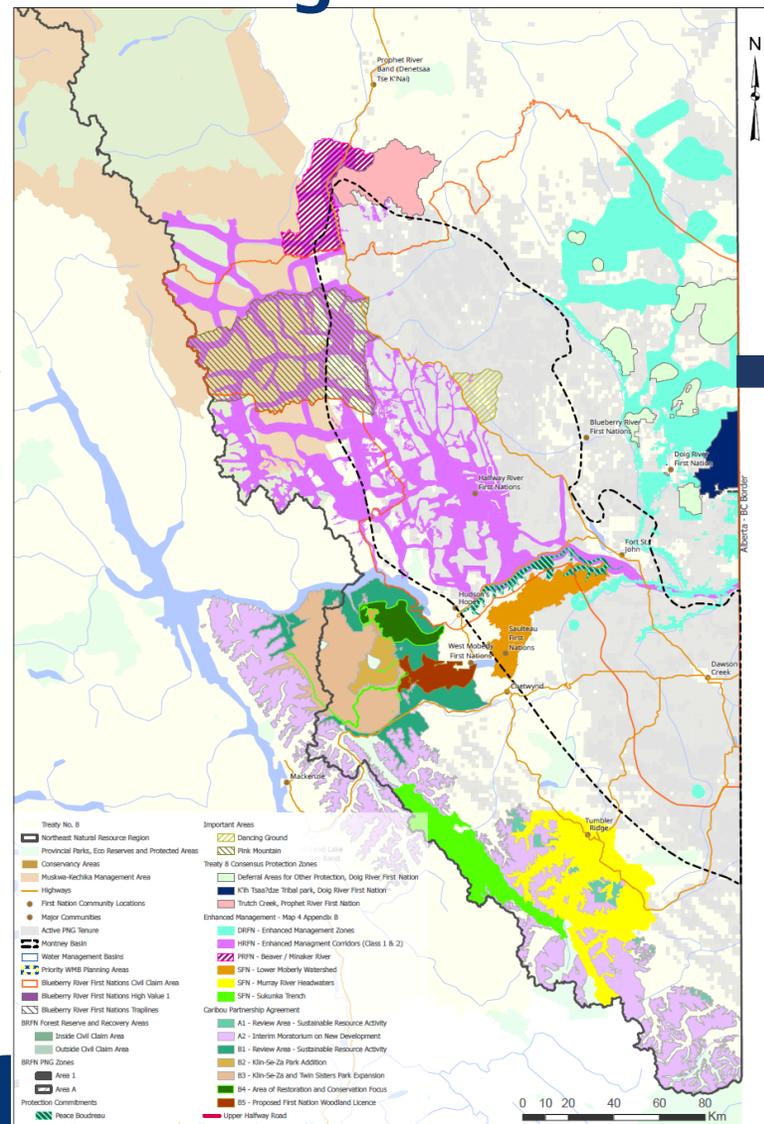
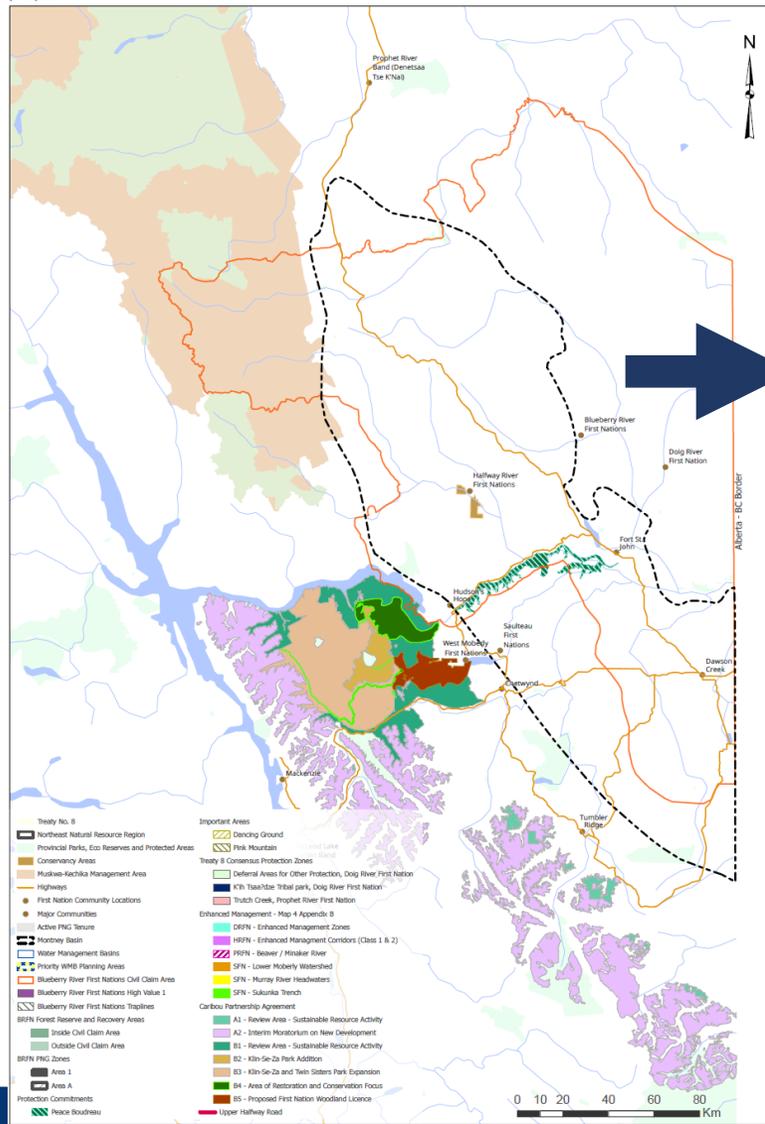
Land use measures: Consensus Document

New protection proposals + Enhanced management areas



Today

Future State – better rights protection via management measures & conservation

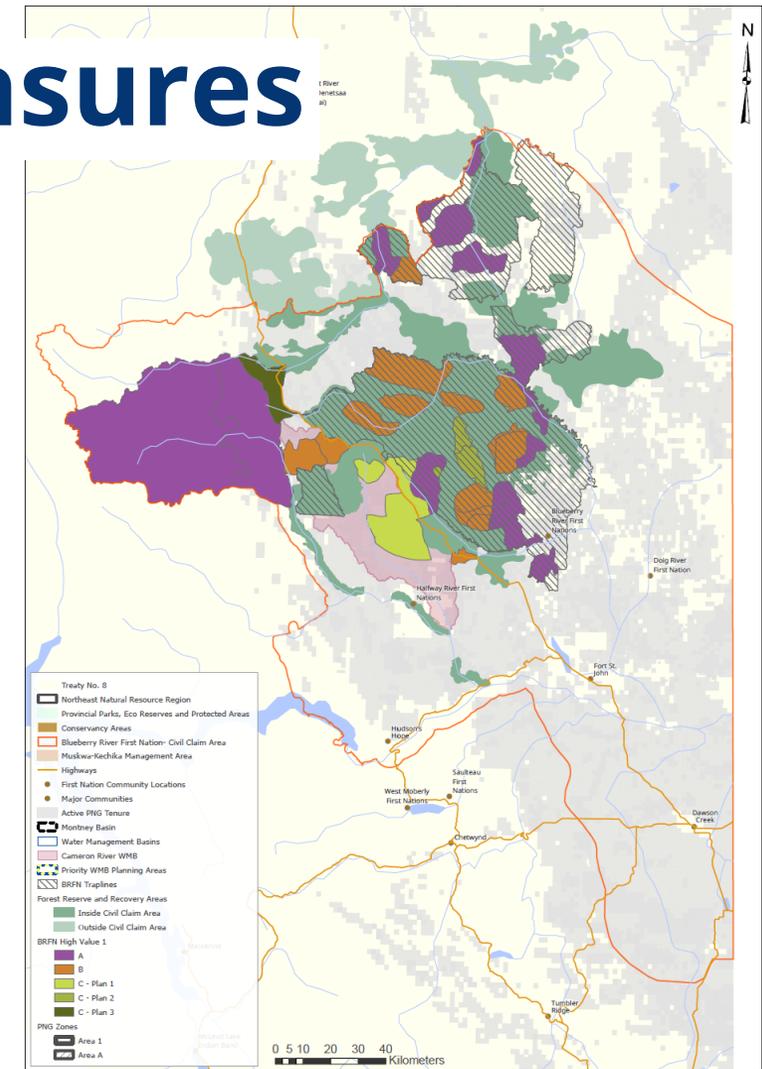


BRFN IA CE management measures

The layered effect of multiple resource sectors developing in different patterns in similar and different areas, lacking coordination and an overall plan to protect treaty rights led to a nationally significant court decision.

PATH FORWARD:

- Reduce timber harvesting in HV1 by approximately 350,000 cubic metres per year; tenure holders to be compensated. Allow several woodlots to continue.
- Revise the Allowable Annual Cut and Sustainable Forest Management Plan, and intensity of forestry in the Timber Supply Area. Apply ecosystem-based management principles for future forestry planning.
- Prohibit aerial herbicide use, and only use it in ground-based applications in exceptional circumstances.
- New oil and gas regime, with new development principles, protection targets, an annual disturbance cap, new operating rules, etc.
- Set protection targets within HV1 Areas (no new PNG disturbance):
 - a) HV1A = 100% protection [Purple]
 - b) HV1B – 80% protection [Orange]
 - c) HV1C = 60% protection [Chartreuse]
- New water policy measures and decision support tool.



Economic measures

First Nations – like all governments – require sources of revenues to deliver service and accountabilities to their citizens. Implementing this Agreement will be complex and require fiscal supports on components like the land planning to complete it.

PATH FORWARD:

- Agree to economic benefits package for all Nations, including new revenue sharing model based on similar formula, and supports for agreement implementation (e.g., planning, stewardship).
- As part of implementing the United Nations Declaration on the Rights of Indigenous Peoples, agree to further negotiations on a new fiscal framework which enables a future where Treaty 8 Nations can fulfil their responsibilities, care for their citizens and manage Treaty 8 territory and their core areas in ways that reflect their values, and support some natural resource activities.

Honouring the Treaty

British Columbia has few historic treaties, unlike the rest of Canada. As a result, British Columbians are not as familiar with Treaty 8, what it says and what it means.

PATH FORWARD:

- Agree to develop a shared approach to enhance awareness, education, understanding and appreciation for our shared treaty.
- Measures will differ between Nations, and they are all anticipated to include work such as:
 - shared public communications over time,
 - shared training and awareness building (for public, public servants, those living and working in NE BC), and
 - education and community services.
- Develop a stronger local and provincial understanding that *we are all treaty people*.

Resetting the Balance

Resetting the balance for Treaty 8 rights and responsible resource development:

- Better recognition and respect for Treaty 8 rights.
- Timely and enforceable policies and procedures that address cumulative effects.
- A large restoration investment and program, to heal the land and people.
- New land use plans for Northeast BC, starting in Blueberry River's "core" areas, providing greater clarity for future conservation and development interests, and predictability for projects.
- New protected areas from new industrial activities, as possible Indigenous Protected and Conserved Areas.
- New approach for all natural resource sector activities, including new rules, requirements for pre-planning for permits or projects.
 - In BRFN Claim Area, will be based on principles of ecosystem-based management.

Q & A - General

- Where are the agreements posted?
- When does BC anticipate completing agreements with the three remaining Treaty 8 Nations?
- How long are these agreements in effect for?
- How will the NE Roundtable be part of, or informed of, the implementation of the various measures?
- What role could the NE Roundtable play in honouring the treaty?

Your questions: put them in the chat box, or raise your hand, or send them in offline to Shayla.Blue@gov.bc.ca to get answered