

BRFN-BC Implementation Agreement

Watershed Management Basin and High Value Zone 1 Planning

Province of British Columbia and Blueberry River First Nations

Northeast Roundtable Dec 11

Background

- **June 2021** – BC Supreme Court determined the Province has breached its obligation to Blueberry River First Nations under Treaty 8 and infringed Blueberry River’s Treaty 8 rights. (Litigation initiated in 2015.)
- **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.”
- A thoughtful summary of the history and the treaty case and its implications created by Blueberry River can be found here: [Where Happiness Dwells - Blueberry River First Nations \(blueberryfn.com\)](http://blueberryfn.com)

Background

- Court confirmed that impacts of industrial development have significantly impacted Blueberry River First Nations' ability to meaningfully practice their way of life as promised in Treaty 8.
- Court declarations prevent further resource activities in the Claim Area (3.8 million hectares, or ~4%, of the province) without justification.
- Court directed the Province and Blueberry River to negotiate a new path forward for resource development (Declaration #4).
- Agreements since court decision:
- **BRFN Interim Agreement** (Oct 2021), which provided initial funding to support a new path forward, and provided confirmation that 195 previous authorizations could proceed in Claim Area.
- **BRFN Implementation Agreement** (Jan 2023), which provides a framework for change — protecting treaty rights and promoting responsible resource development.

BRFN Implementation Agreement – Key Elements



Wildlife management



Land use planning



Honouring the Treaty



Protection and restoration
measures to support the
practice of Treaty Rights



Forestry measures



PNG measures



Economic measures



Other natural resource
sector activities

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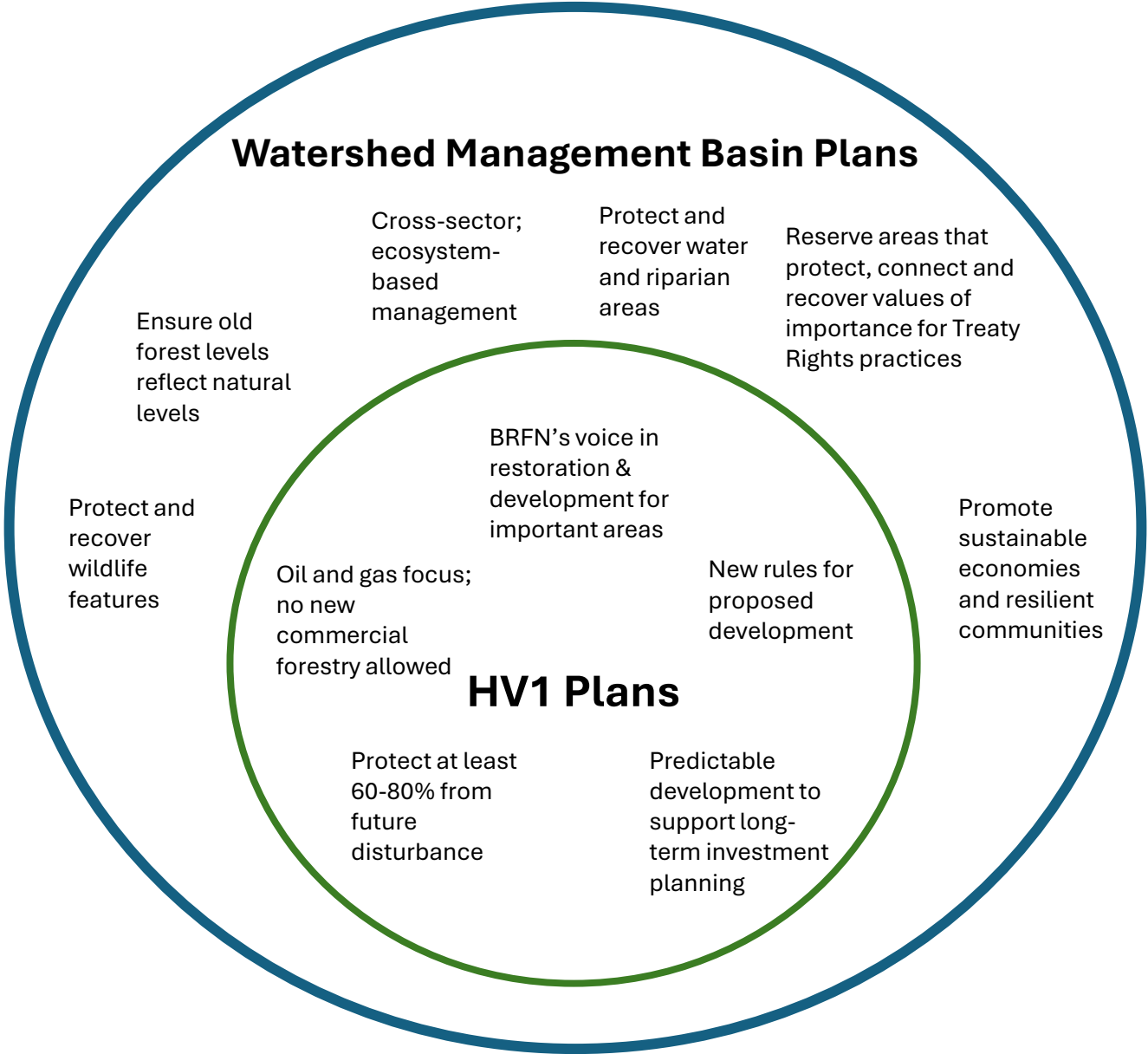


Economic measures

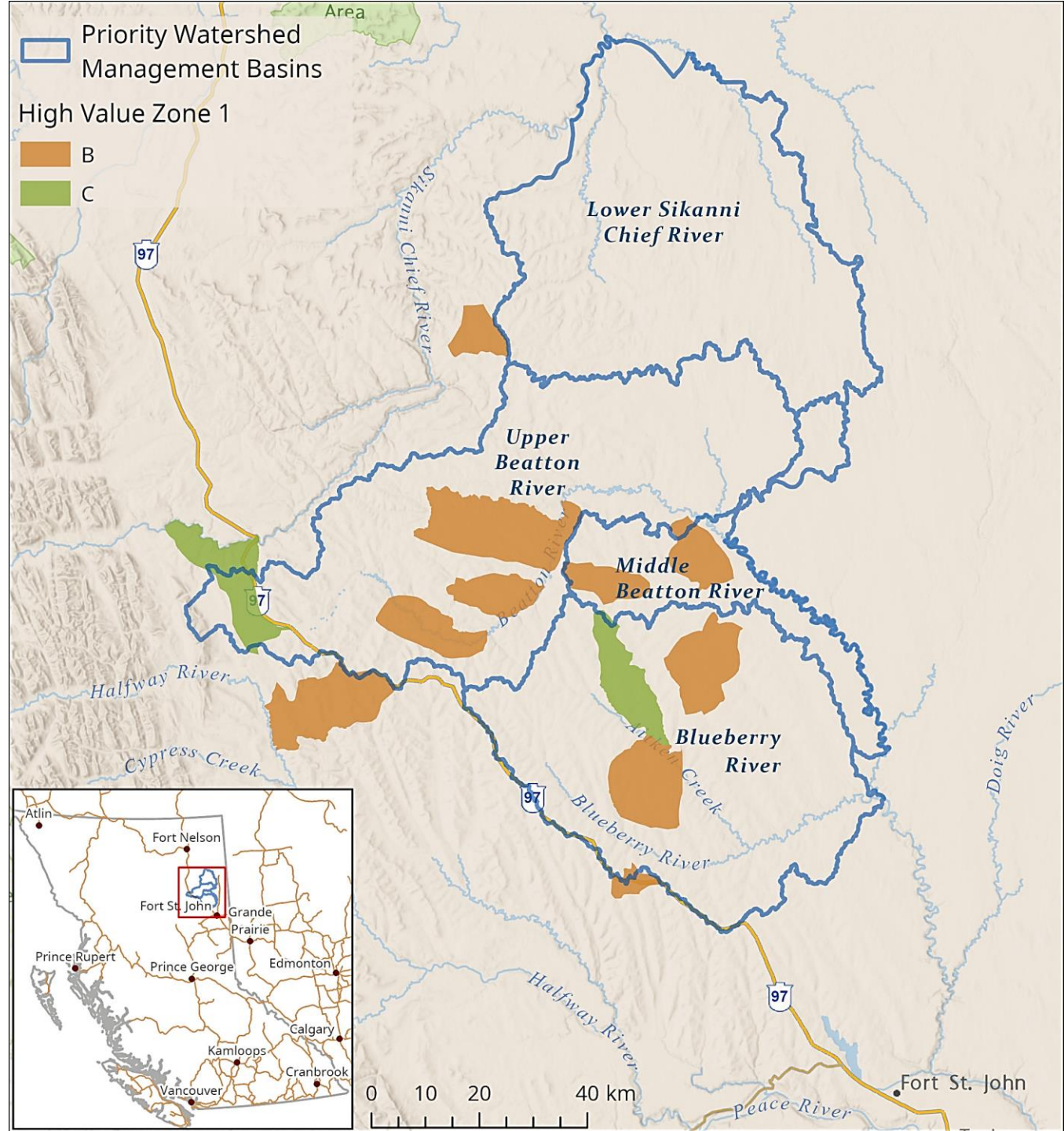


Other natural resource sector activities

Watershed Management Basin Plans



Planning Areas



Engagement

Purpose:

Engagement will be used iteratively throughout the planning process to ensure the rights, values, interests, and perspectives of others are fully understood and considered by BC-BRFN in WMB/HV1 plans.

Objectives:

- Raise awareness about the planning scope, timelines, and drivers.
- Involve others in the process of considering how to resolve complex land use challenges.
- Ensure those who might be affected by the plans have the opportunity to have their interests heard and considered.
- Unify people around shared values and build understanding where there are differences.
- Inform consensus-seeking between BRFN and BC.
- Reduce the chance of surprises occurring at time of plan approval.

Engagement

Approach

Levels of engagement with third parties will range throughout this project from Inform through to Involve.

Engagement with overlapping First Nations will depend on the potential impacts on s. 35 rights and interests and any relevant agreements.

Involve: Entails seeking feedback on draft planning products to ensure your values, interests, and perspectives are consistently understood and considered in the planning process. The Province will report out on how earlier feedback was considered in the iterative development of planning products.

Inform: Entails providing you with regular updates and information to assist with understanding the scope and scale of planning underway and key drivers.

STRUCTURED EVENTS (OPEN INVITE WORKSHOPS)

Schedule	Description	Approach
Today	Introduce WMB/HV1 planning approach and engagement opportunities	Inform
Spring 2025	Review and seek feedback on initial draft WMB plan(s)	Involve
	Provide an overview of complete HV1C plans	Inform
Summer 2025	Review and seek feedback on advanced draft WMB plan(s)	Involve
	Provide an overview of complete HV1B plans	Inform
Fall 2025	Review and seek feedback on final draft WMB plan(s)	Involve

ROUTINE EVENTS

Schedule	Description	Approach
Ongoing	Routine updates and discussions with other First Nations, licensees, associations, and non-government environmental organizations.	Inform Involve Consult (s.35)

Next Steps

Website is under development to support engagement

Today's deck posted to the Northeast Roundtable website

Email inbox for general inquiries on planning: WLRS.NortheastLUP@gov.bc.ca

Stay tuned for workshop invitation in Spring 2025 (likely virtual)