

BRFN-BC Implementation Agreement

Watershed Management Basin and High Value Zone 1 Planning

Province of British Columbia and Blueberry River First Nations
Northeast Roundtable June 3

Background

- **June 2021** – BC Supreme Court determined the Province (BC) has breached its obligation to Blueberry River First Nations under Treaty 8 and infringed Blueberry River's (BRFN) 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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Forestry measures



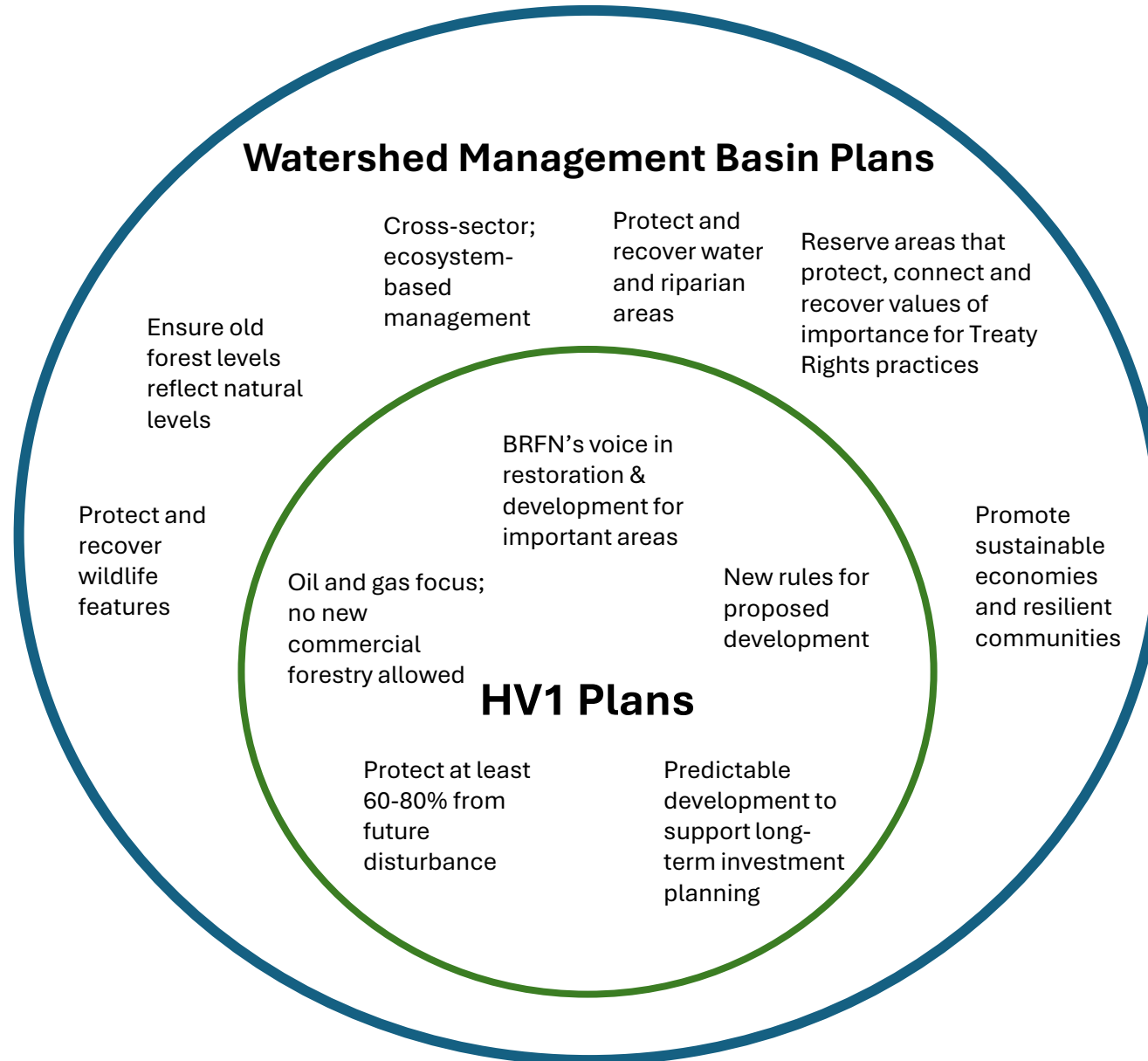
PNG measures



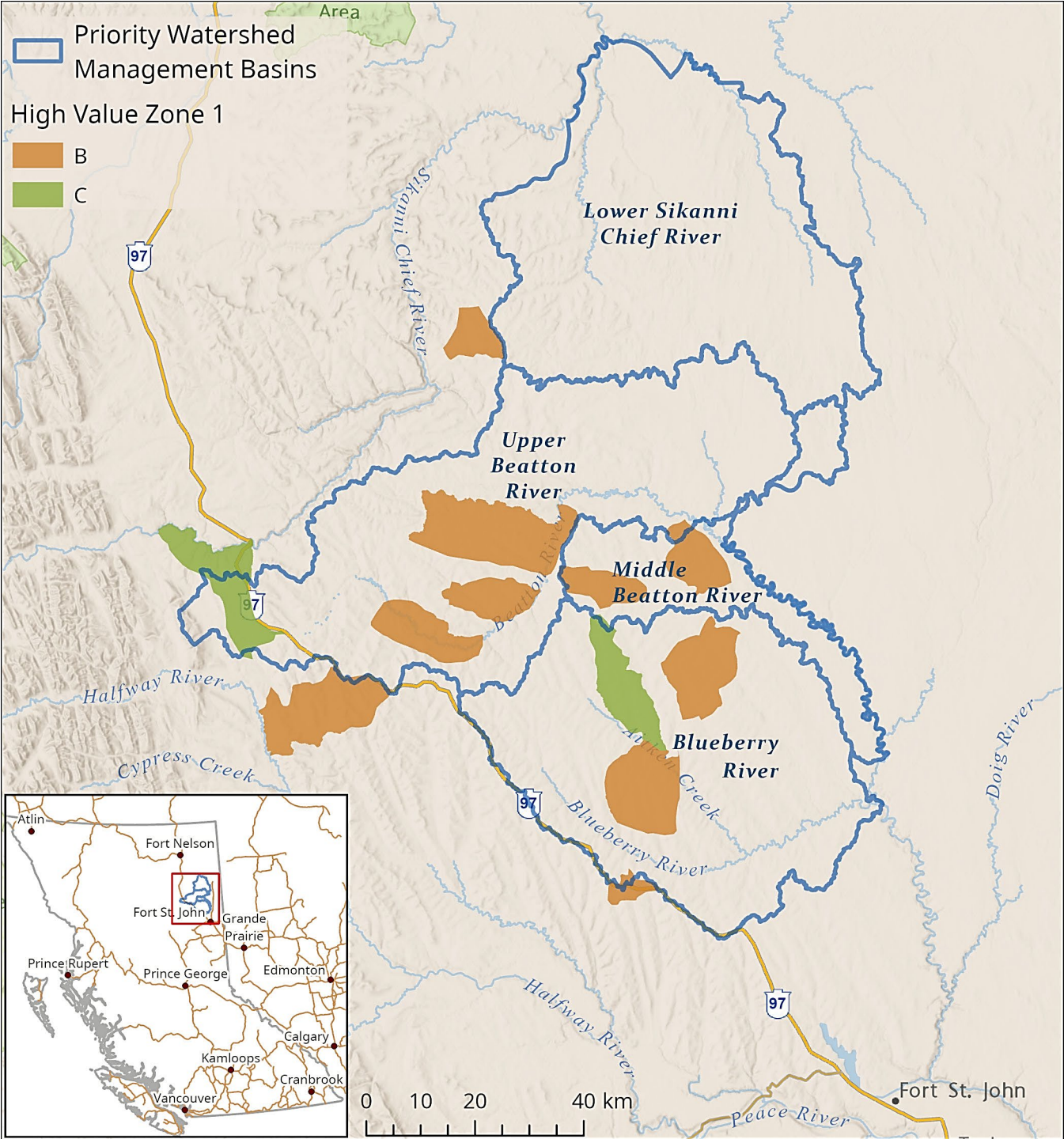
Economic measures



Other natural resource
sector activities



Planning Areas



High Value Zone 1 (HV1) Plans

HV1C (2 polygons):

- Plans for Upper Halfway and Grizzly Creek approved April 2025 with conditions
- Implementation Forum and Industry Technical Advisory Group being established
- BC-BRFN preparing plans for regulation and public release
- Overview of HV1C plans to be included as part of WMB planning engagement

HV1B (14 polygons):

- Current focus is on work planning and industry pre-engagement
- Next steps include modelling draft protection and development zones
- Upcoming engagements planned with BRFN community, other Treaty 8 First Nations, and PNG sector
- 2-3 HV1Bs being considered for reclassification to HV1As (100% protection)

Watershed Management Basin (WMB) Plans

- WMB planning placed on hold in February 2025 to focus on HV1C planning
- BC-BRFN resumed discussions on WMB planning last week
- The focus moving forward will be on executing the direction set out in Article 13 and Schedule C of the BRFN *Implementation Agreement* regarding WMB planning
- Discussions are underway to identify the timing and format of future engagement on WMB planning

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 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 decision

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.

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 engagement schedule and workshop invitations in Summer/Fall 2025
(likely virtual)