



Ministry of  
Water, Land and  
Resource Stewardship

Muskwa-Kechika Management Area  
Advisory Board Meeting  
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Hotel Grand Pacific - Victoria, BC

BRFN Implementation / Treaty 8 Consensus Agreements &  
Land Use Planning in the NE

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# Why are agreements needed?

- **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](http://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.
- Two BRFN agreements since court decision:
  - Interim Agreement Oct 2021.
  - Implementation Agreement Jan 2023. •
- Seven Nations signed (Halfway River, Doig River, Saulteau, Fort Nelson, West Moberly, Prophet First Nations and McLeod Land Indian Band):
  - Letters of Agreement (Consensus Document).
  - Revenue Sharing Agreements



January 2023

# 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

# Land use planning and Agreement Commitments

Land use plans from the 1990s did not 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.

The Treaty 8 Consensus Document and the Blueberry Implementation Agreement identify new land measures and planning commitments to establish land use direction in a manner that protects Treaty 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.”
- High Value Area planning and protections (HV1a, b, c)
- Areas for new protection proposals (Map 2 Consensus)
- Enhanced Management Zones (Consensus)
- First Nations Land Use Plans
- Landscape Planning Pilots

# Early Land Use Planning Activities

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:**

- Interim Measures – areas for new protection proposals; enhanced management areas; HV1
- ‘Restoration and development plans’ with Nations and industry:
  - Landscape Planning pilots with one or more sectors
  - HV1 Plans with BRFN, focused on PNG activities (new intensive, up front planning approach).
- Project scoping

# Future State – better rights protection via management measures & conservation

Today

