

BRFN Implementation Agreement Technical Workshop



Ministry of
Energy, Mines and
Low Carbon Innovation



Agenda

01 Opening Remarks/Context

02 New Disturbance Cap Allocation

03 Restoration and Development Planning

04 Other Matters

05 Applications (BCER)



Towards Agreements

Court confirmed impacts of industrial development have significantly impacted the meaningful ability to practice the way of life promised in Treaty 8.

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.

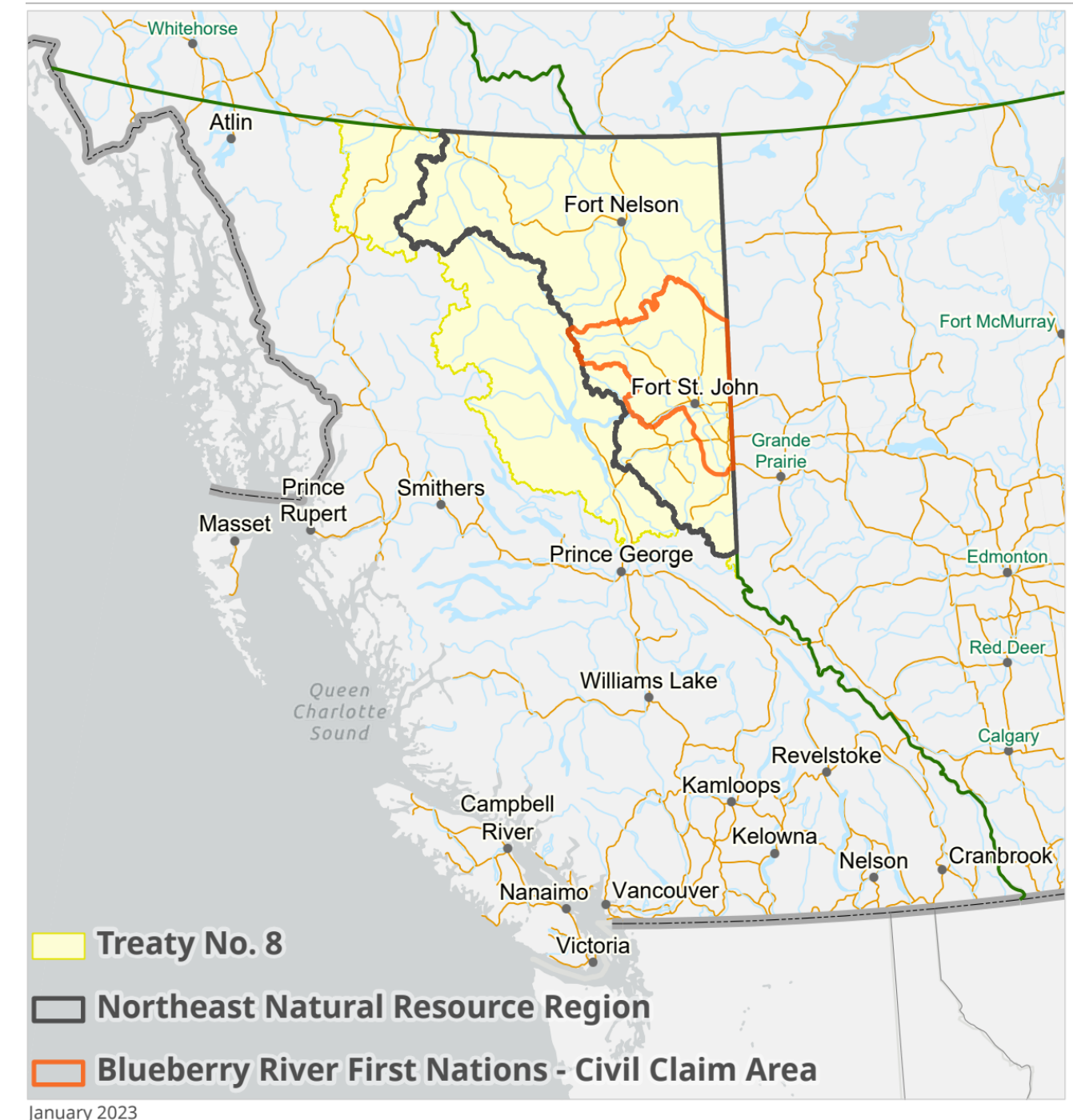
Since 2021, Province has been negotiating with both Blueberry River and the other seven Treaty 8 Nations on a new path forward.

Agreements since court decision:

Interim Agreement Oct 2021

Implementation Agreement Jan 2023

T8 Letters of Understanding (FNFN, HRFN, SFN, DRFN) Jan 2023



BRFN Implementation Agreement

Overarching Purposes, Goals, Structure

- **Purposes (3):** a) Initiate a new approach to natural resource management and the protection of treaty rights, through a series of transitional and permanent measures; b) seek to balance Treaty Rights and the healing of the environment with a sustainable regional economy; and c) reduce greenhouse gas emissions.
- **Goals (3):** a) enhancing restoration to heal the land; b) creating new areas protected from industrial development; and c) both supporting and constraining development activities.
- **Structure:** Interim approaches for activities, petroleum and natural gas (PNG) and forestry focused, with longer-term commitments of comprehensive planning processes which will establish a new balance of rights for the entire natural resource sector.

BRFN Implementation Agreement

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 Claim Area, 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 regime / system for all natural resource sector activities, including new rules, requirements for pre-planning for permits or projects. Introduce ecosystem-based management principles and approach for sustainable resource development. Initial emphasis on PNG and forestry.
- If implemented as intended, Blueberry River concurs the Agreement and its Cumulative Effects Management Regime satisfies the court's fourth declaration.

PNG Measures

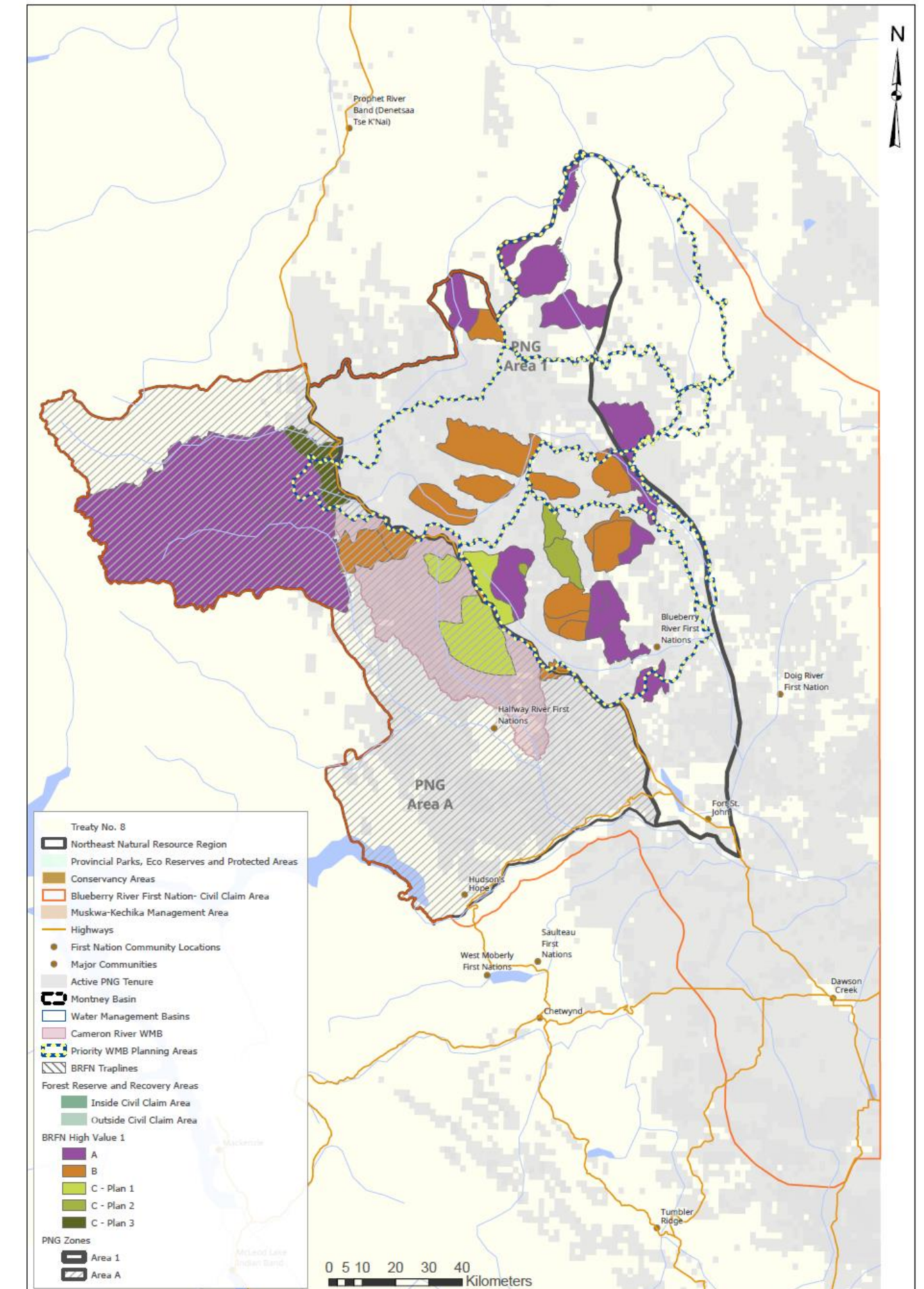
Lack of higher-level plans for PNG activities, agreed to with First Nations, has led to large, loosely coordinated development footprint.

Principled Path Forward

Principled approach for future PNG development:

- Maximize land protections and constrain new disturbance activity in HV1, limit new disturbance in Claim Area to approx. 50% less compared to the pre-agreement years,
- Avoid new disturbance for new wells and infrastructure in favour of previously disturbed areas,
- Where disturbance exists, use existing disturbance for new PNG activities, and
- Apply the Cumulative Effects Management Regime to manage all future new disturbance.

* The focus is new land disturbance, as it relates to treaty rights impact (not production).



New Disturbance Allocation

“New Disturbance” means...all (and only) Oil and Gas Activity related disturbance on Crown land outside of any permitted and existing PNG footprint as identified in the Surface Land Use (SLU) Data Layer, including restored wells with a certificate of restoration but excluding: (i) restoration activities; (ii) health and safety activities; (iii) environmental protection activities; (iv) electricity transmission and distribution line rights-of-way outside of Area 1 or inside Area 1 with the consent of BRFN; (v) new operational activities within existing oil and gas related disturbances or other permanent road structures (including, without limitation, new wells on existing pads and pipelines within established rights of way); and (vi) conversion of non-status roads to oil and gas roads, so long as such conversion does not include any new construction or road modification;

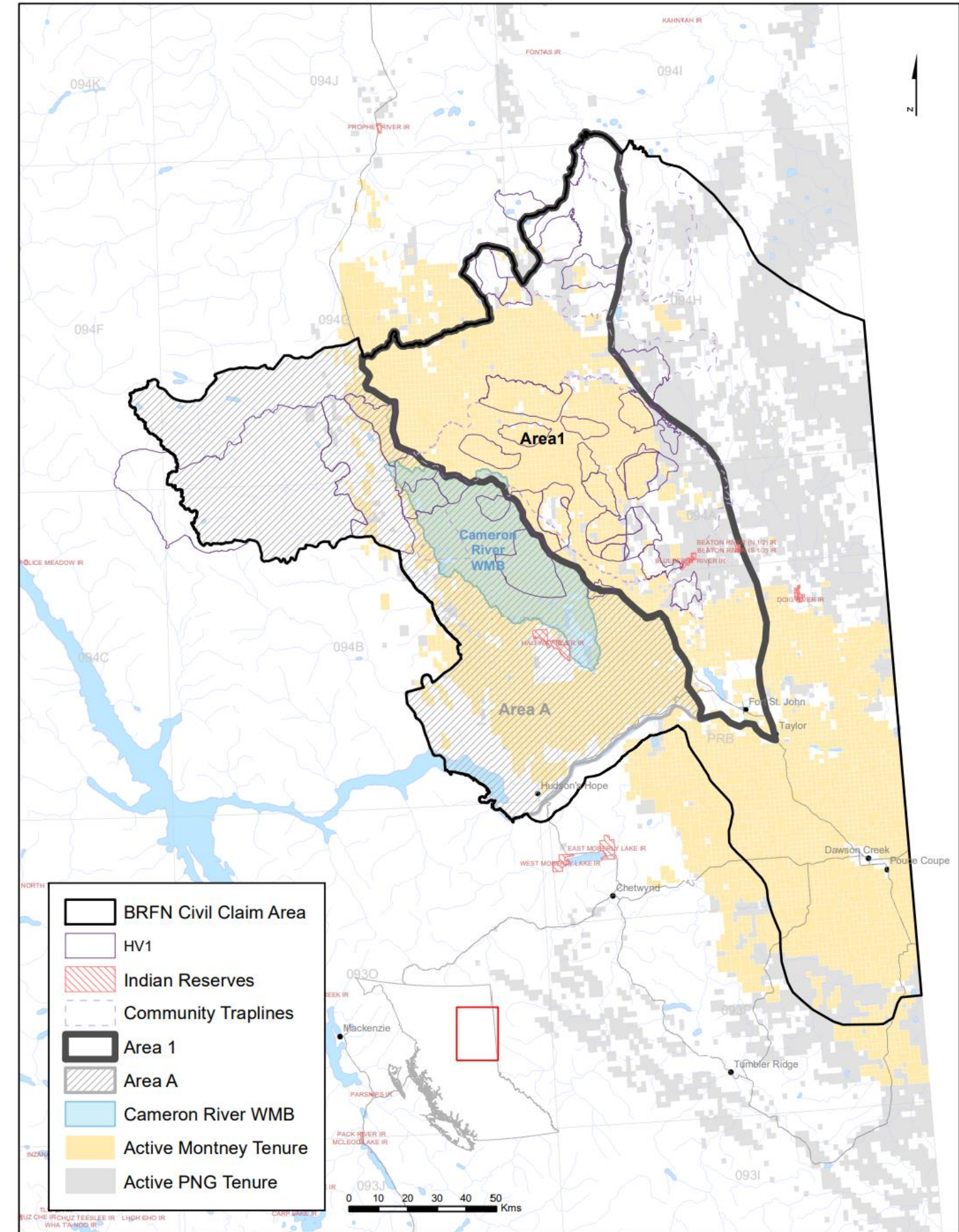
New Disturbance is calculated at permit issuance, not commencement of construction.



New Disturbance Allocation

Caps and Sub-Caps

- **One in a suite of tools** being employed immediately to allow development to proceed while the components of the more comprehensive cumulative effects management are developed and implemented.
- 750 hectares per year within the Claim Area
 - 200 hectares in Area 1
 - 200 hectares in Area A unless alternative agreed to between BRFN and HRFN for Cameron River WMB
 - 350 hectares in the remainder
- Exceptions
 - Other Treaty 8 Restoration and Development Plans
 - HV1/Watershed Management Basin Plans (annual meeting)
 - BRFN



New Disturbance Allocation

General Principles (proposed)

- 50% proportionally allocated to tenure holders that hold more than 2% of the total tenure within a cap zone
- 50% allocated at the discretion of BCER based on:
 - Allocation to operators that do not receive a tenure-based allocation prioritized before operators that do
 - Extent to which cumulative effects have been minimized in activity planning
 - Extent of incorporation of pre-engagement feedback from Nations into activity planning
 - Overall three-year development horizon in the context of immediate permitting needs
 - Economic significance, investment and dependencies related to the development proposal

New Disturbance Allocation

General Process - BCER

BCER will work individually with companies to identify priority development activities and applications before March of each year

- Applicants that receive a tenure allocation will be advised of their initial allocation ASAP
- Applicants will review their priorities and identify to BCER which applications each will attribute to their cap for the year
- BCER will work with applicants that do not receive a tenure-based allocation to identify and allocate priority applications for the year
- BCER will work with all applicants to allocate any remaining cap
- By end of March, BCER will advise applicants of which applications can proceed through review/consultation/determination for the year within the New Disturbance cap

Between June and September, mid year review to recalibrate and allocate any remaining cap

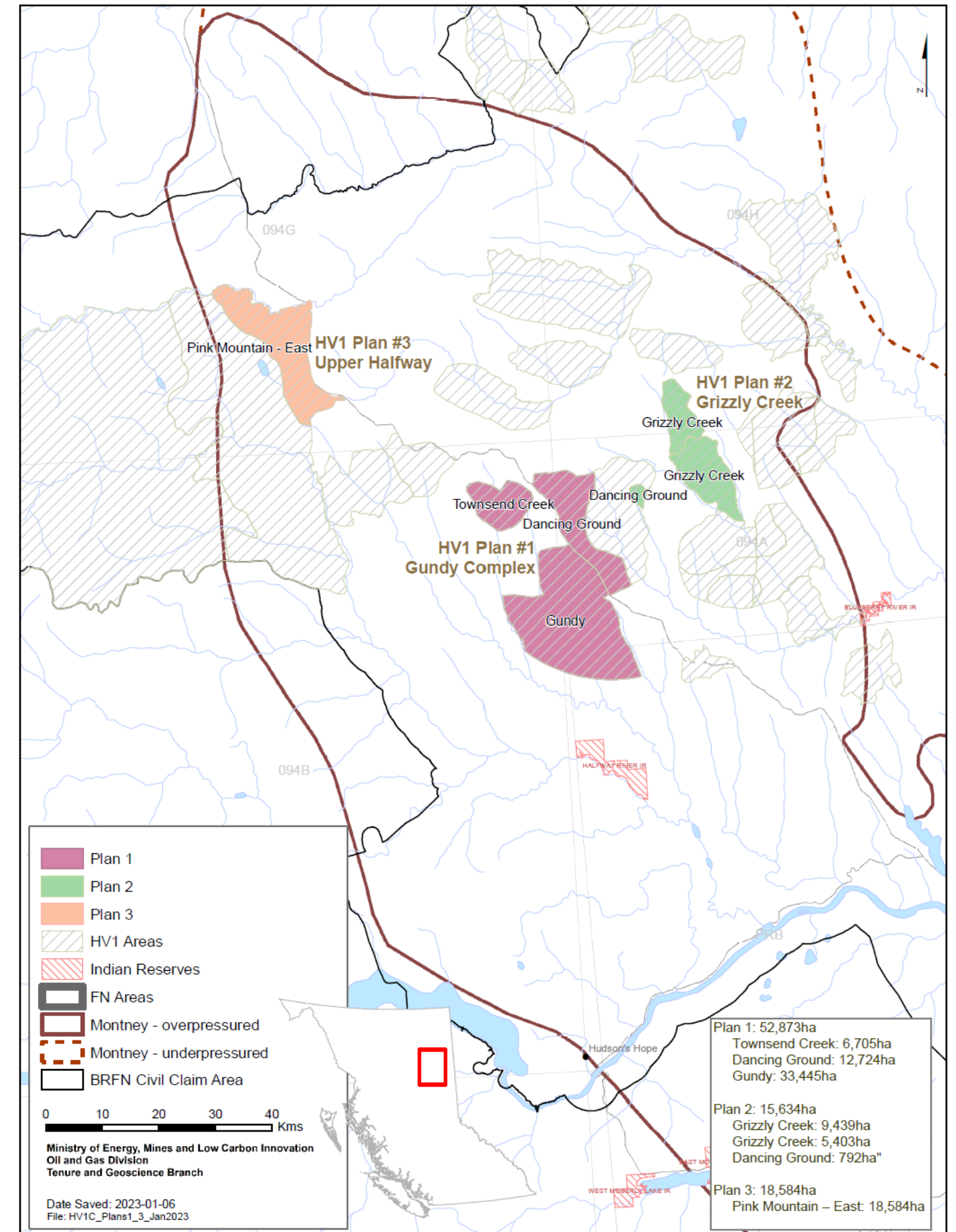
Restoration and Development Planning

Blueberry River and Treaty 8 Context

High Value 1 Area Plans

Priority Plans

- Industry-specific (oil and gas only)
 - Gundy Complex: Target completion October 2023
 - Grizzly Creek: Target completion April 2024
 - Upper Halfway: Target Completion July 2024
- Focus on
 - Protection (target 60% of each polygon to be reserved from New Disturbance; contiguous where possible)
 - Restoration opportunities/priorities
 - Development plans and coordination among users (where practical)
- Plans for HV1B polygons to be prioritized as HV1A plans are completed.



Next Steps

Terms of Reference

BC is working on an early draft to be built out with BRFN once planning leads are identified

Formal HV1 Planning Kickoff

Target mid-March

Industry Engagement

Some of this has already begun

We welcome proactive engagement regarding HV1 planning

Continue to broaden early engagement with tenure holders, infrastructure owners, geophysical contractors and others

Data Collection

Individual operator development plans

Current condition

- RSEA information
- OGRIS and other projects
- Restoration analyses
- Other

BRFN relevant cultural information and initial protection interests

Landscape Planning Pilots

(“Other Treaty 8 Restoration and Development Plans” as defined in the BRFN IA)

Treaty 8

HRFN

- Multi-industry (oil and gas, forestry, range)
- Still tactical/operational in nature
- Focus on
 - Combining scientific methods with traditional knowledge
 - Restoration priorities
 - Operational mitigations within Enhanced Management Corridors
 - Coordination among users (where practical)

SFN

- TBD: preliminary discussions underway

Next Steps

HRFN

- BC and HRFN to finalize Terms of Reference including defining plan area
- Industry engagement
 - Tenure holders, infrastructure owners, geophysical and others
- Data collection (in progress)
- Seek to align methodology and approach between HRFN and SFN where feasible/practical

SFN

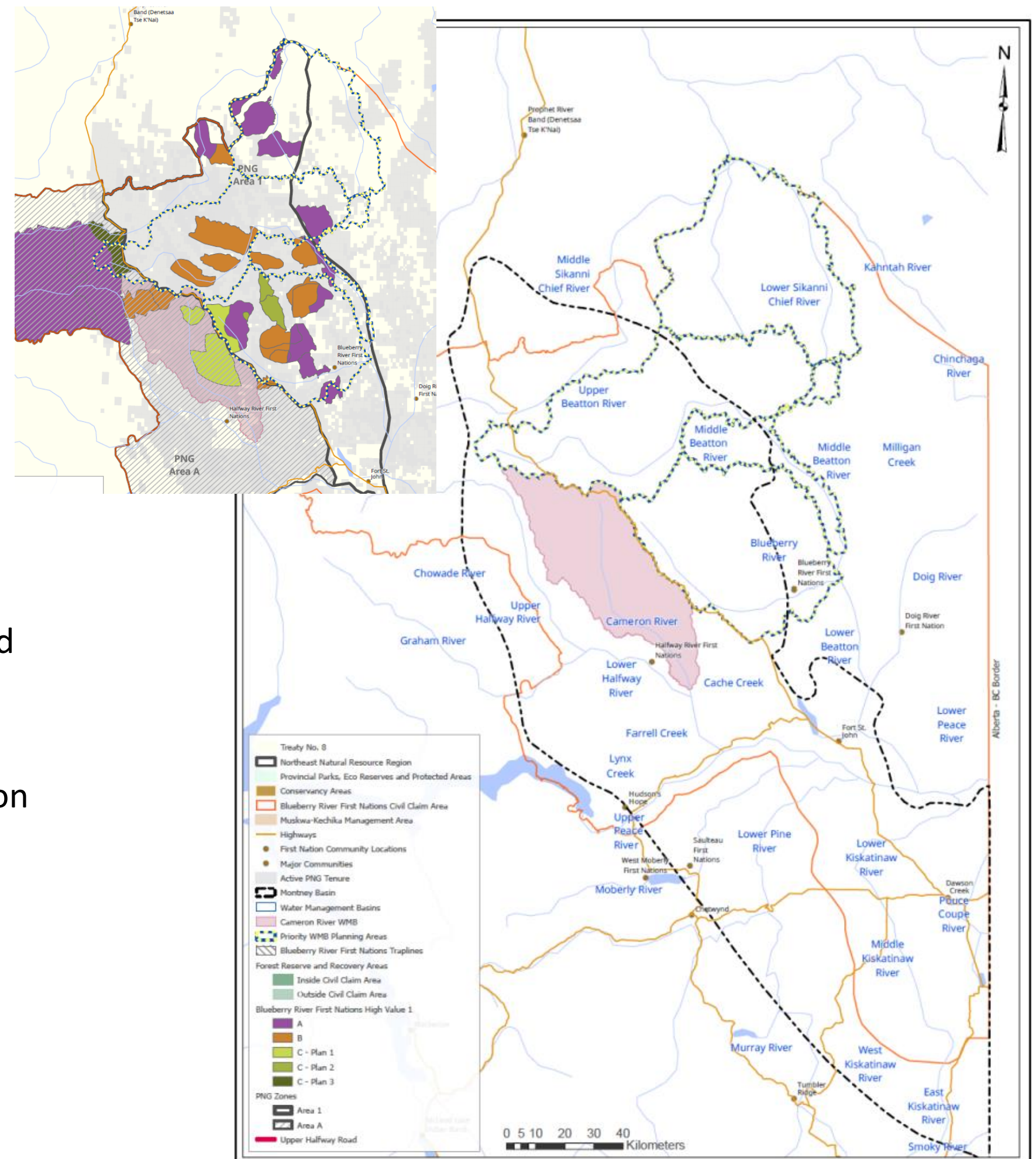
- Advance discussions with SFN

Watershed Management Basin Plans

Watershed Management Basin Plans

Overview

- Multi-sector/multi-agency/multi-Nation participation: WLRS led
- Ecosystem based principles to set development direction and constraints at the watershed level for various sectors
- Priority Plans:
 - Upper Beaton River & Western portion of Middle Beaton River
 - Blueberry River
 - Lower Sikanni Chief River
 - Cameron River



Other Matters

- PNG Tenure Dispositions
- Consensus Document Protections and Enhanced Management Zones
- Restoration Objectives, Funds, and Planning



Petroleum and Natural Gas Tenure Disposition

- New tenures for PNG production purposes deferred within HV1 and priority WMB until planning processes are completed. May be allowed in the future where identified as appropriate under relevant plans.
- Tenure disposition process under reform and will be resumed outside of these areas.
- PNG tenures for geothermal, disposal and CCUS can be considered.
- Direct award tenure dispositions to Nations being contemplated. Opportunities for industry partnerships.

The Consensus Document (BC and six Nations)

A Framework for Change

The Province and Treaty 8 First Nations have agreed to a set of initiatives in what we call the “Consensus Document” which is being brought into effect with the signing of “Letters of Agreement”.

We will also sign Revenue Sharing Agreements with each Nation, to fulfil a Consensus Document commitment.

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, and
4. Support responsible resource development paired with a significant investment in restoration to heal the land.

The Consensus Document

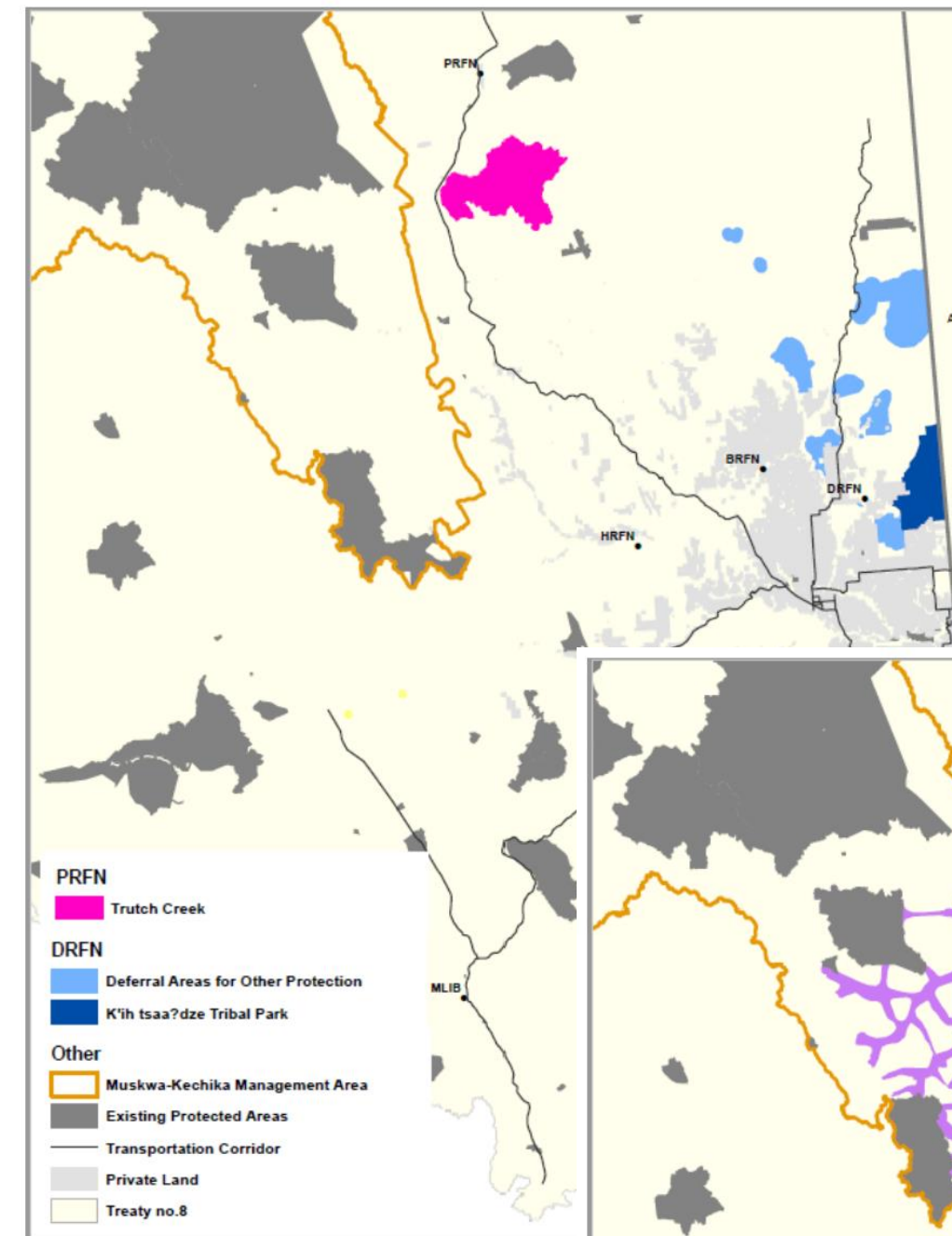
A Zoned Approach

Protection (Map 1)

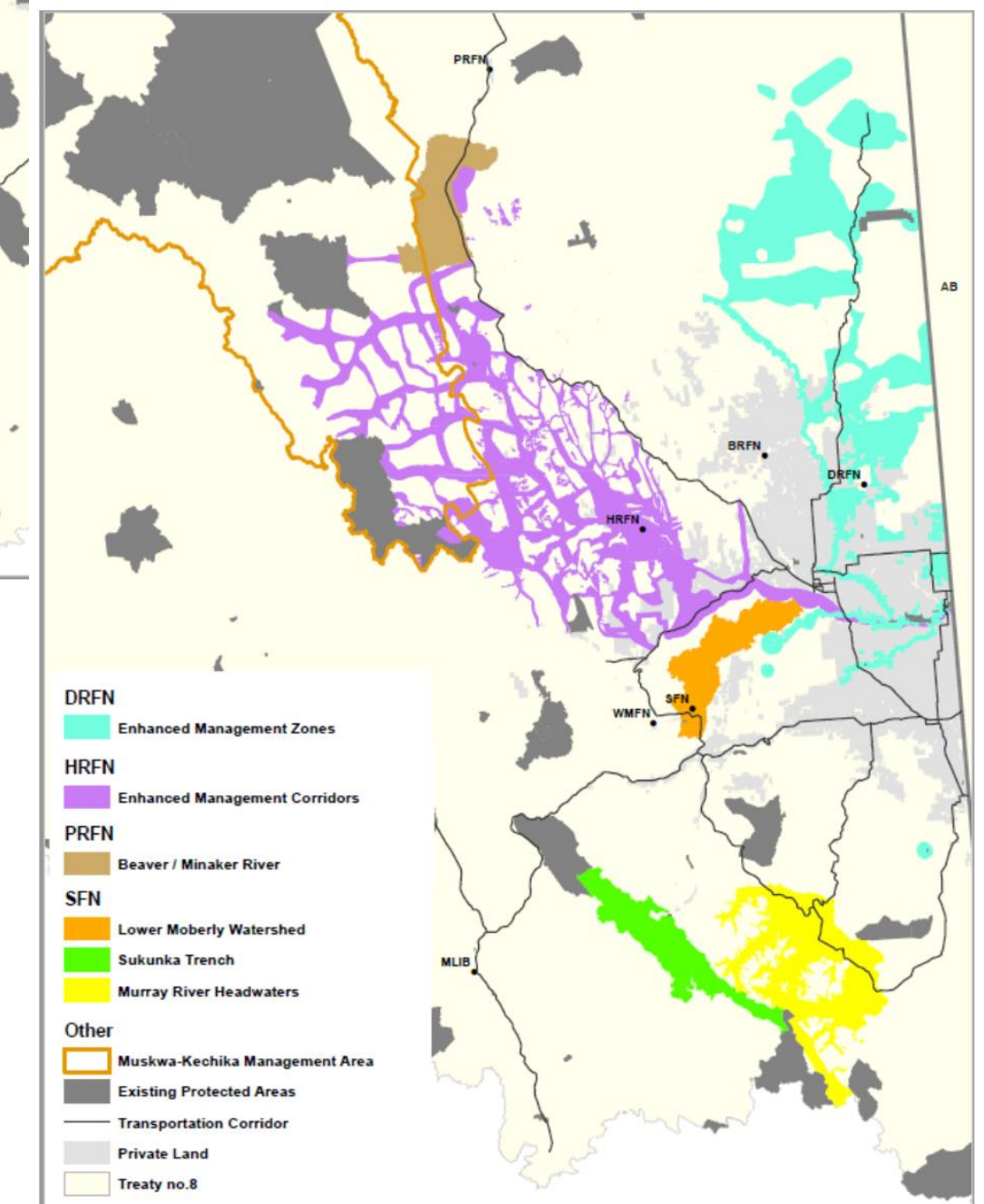
- BC and respective Nations will explore and implement appropriate protection measures.
- Intent is similar to HV1A, in that existing operations and infrastructure will be allowed to continue, but new activities are not anticipated.

Enhanced Management (Map 2)

- Implement a consensus-based approach to develop objectives, indicators, thresholds and management practices within these areas.
- Different approaches for different Nations
- Affected third parties will be consulted in the development of indicators, thresholds and management practices.



← Map 1: Areas for Protection



↓ Map 2: Enhanced Management Zones

Restoration Objectives

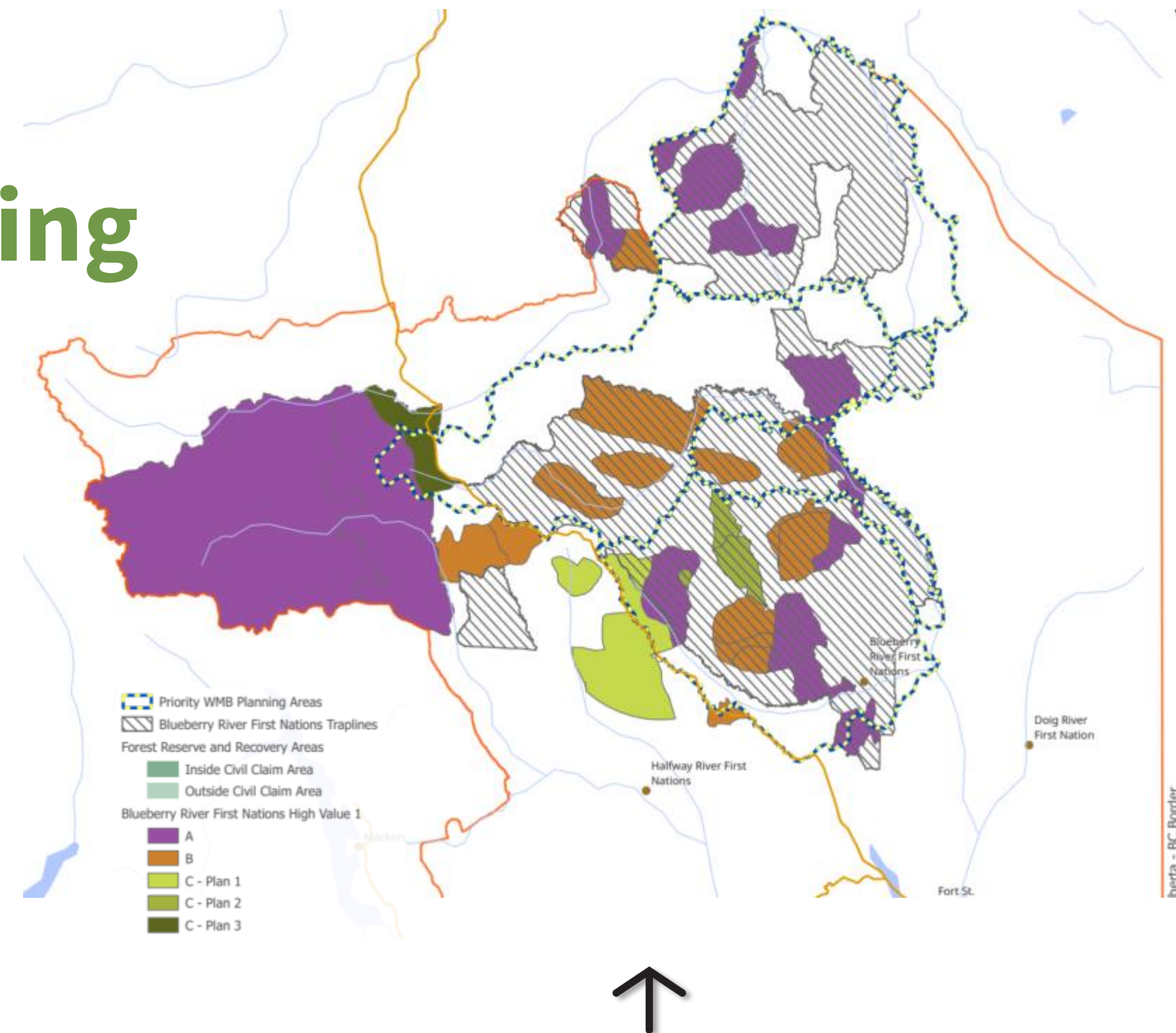
Heal the Land and Heal the People

- To protect and restore the ability for First Nation to exercise Treaty Rights and protect the cultural and way of life
- To return ecological integrity and environmental condition at landscape and site scales
- To create and coordinate activities through restoration plans and make such plans publicly available
- As an integral part of a regional restoration economy, to grow First Nations capacity and capability for restoration-related supply and services
- Where restoration obligations do not apply, to improve and clarify restoration procedures and practice standards
- To develop functional, ecological and cultural restoration criteria and indicators to monitor success and effectiveness
- To establish restoration targets based on core First Nations interests and ecological values on an area-by-area basis

Restoration: Fund and Planning

Focus for Healing the Land

- Restoration funds: Contributions to Treaty 8 Nations, inclusive of Blueberry River First Nations, to total over \$600M over ten years
 - Co-governed (BC and Nations) funds that support Nation-led restoration initiatives throughout the territory
 - Does not apply to existing industry obligations – expenditures are incremental to existing obligations
 - Funding sources may include federal government funds as well as contributions from non-government organizations and industry
 - Plan and prioritize projects to address areas most important to individual Nations



BRFN Disturbance Fee: \$60,000 ha for New Disturbance within HV1, Traplines and Priority WMBs

In Trapline Areas outside of HV1 and Priority WMBs, the BRFN Disturbance Fee will be shared between BRFN and Regional Funds.

Questions? Contact us:

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