

# BRFN Agreement – Rules for Oil and Gas Development

## 1. Introduction

The Blueberry River First Nations Implementation Agreement (Agreement) responds to a B.C. Supreme Court decision on June 29, 2021, that found the Province had infringed upon Blueberry River's Treaty 8 rights due to the cumulative impacts of decades of industrial development.

The purpose of the Agreement is to develop a new approach to natural resource management and the protection of treaty rights, with the goal to enhance restoration to heal the land, create new protected areas and both support and constrain development activities. There are new interim approaches identified for activities of the oil and gas sector with longer-term commitments of comprehensive planning processes. The purposes of the Agreement seek to establish a new balance among treaty rights and healing of the environment with a sustainable regional economy.

This Agreement applies to the legal claim area of Blueberry River First Nations. However, the Province has also undertaken negotiations with other Treaty 8 Nations who share Treaty 8 territory and have the same Treaty 8 rights. These additional agreements include resolutions to address similar impacts on treaty rights from the cumulative impacts of industrial development. Further information regarding areas of importance and land planning initiatives with other Treaty 8 Nations is coming.

## 2. PNG Sector Principles for Limiting New Disturbance on Crown Land.

There are several sections of the Agreement that involve new rules for oil and gas activities on Crown land in the claim area. A key focus is on limiting New Disturbance (see definitions) on the land base from industrial activities that impact treaty rights. For the Petroleum and Natural Gas (PNG) Sector, there are some guiding principles for development planning and operational decision making. They are to:

- Limit New Disturbance in HV1 areas by maximizing land protections and limiting New Disturbance in the balance of the Claim Area by approximately half compared to previous years.
- Avoid New Disturbance for new wells and infrastructure in favour of previously disturbed sites and where disturbance exists, use such existing disturbance as much as possible.

- Ensure overall limits, potential locations and manner of any New Disturbance is managed through the application of the Cumulative Effects Management Regime.

### 3. New Disturbance

The following are Key Definitions that are useful for understanding new rules:

- “Environmental Protection Activities” means activities related to site remediation, erosion control and/or prevention of or response to product release as it pertains to potential environmental impacts;
- “Health and Safety Activities” means bridge replacement, road realignment or intersection upgrades specific to improving safe travel or use of roads and/or prevention of or response to product release as it relates to risk to people or communities, road resurfacing, sealing or coatings, culvert replacement and beaver dam removal, where flooding or road use impacts are anticipated, replacement of existing livestock fencing, nuisance wildlife measures, landslide repairs, scientific fish collection and amphibian salvage for road and access related purposes;
- “Linear Disturbance” means, subject to any and all limitations and exclusions provided for in this definition, any seismic line, road or pipeline on Crown land within the Claim Area which is regulated by a Provincial decision maker under the *Oil and Gas Activities Act*, S.B.C. 2008, c. 36 and/or for which the approval of a Provincial statutory decision maker under the *Oil and Gas Activities Act* is required for installation and/or operation;
- “New Disturbance” means, subject to any and all limitations and exclusions provided for in this definition, 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 Linear Disturbance” means any Linear Disturbance permitted after the Effective Date in respect of Oil and Gas Activities which is not over, under or

immediately adjacent to an existing Linear Disturbance or permanent road infrastructure;

- “Non-Status Road” means an existing road, or portion of an existing road, that is currently being used for oil and gas purposes and that: (i) will be maintained to facilitate the carrying out of Oil and Gas Activities; and (ii) is not already required to be maintained under the *Oil and Gas Activities Act* S.B.C. 2008, c. 36 or other applicable law;
- “Oil and Gas Activity” means those activities related to conventional and unconventional oil and gas exploration and development (including coal bed gas, hydrogen development, developments aimed at capturing carbon and other forms of exploration and development that may evolve over time related to the presence of subsurface PNG deposits) on Crown land within the Claim Area for which the approval of a Provincial decision maker is required, and includes, but is not limited to, seismic operations and operations on or at well sites, access roads, pipelines and processing facilities;

Surface Land Use Data layer (SLU) means the surface land disturbance data layer prepared by the BC Oil and Gas Commission (Commission) and which defines existing disturbance.

Available at: [Data Centre | BC Oil and Gas Commission \(bcogc.ca\)](https://datacentre.bcogc.ca/)

**Note:** the Commission is to be renamed the BC Energy Regulator through regulation.

Spatial information on the Agreement is available to download in KML, shapefile, and file geodatabase (FGDB) formats. An FTP client is needed to view these files:

[ftp://ftp.geobc.gov.bc.ca/publish/Regional/Northeast/First Nations Agreements/BRFN Implementation Agreement](ftp://ftp.geobc.gov.bc.ca/publish/Regional/Northeast/First_Nations_Agreements/BRFN_Implementation_Agreement)

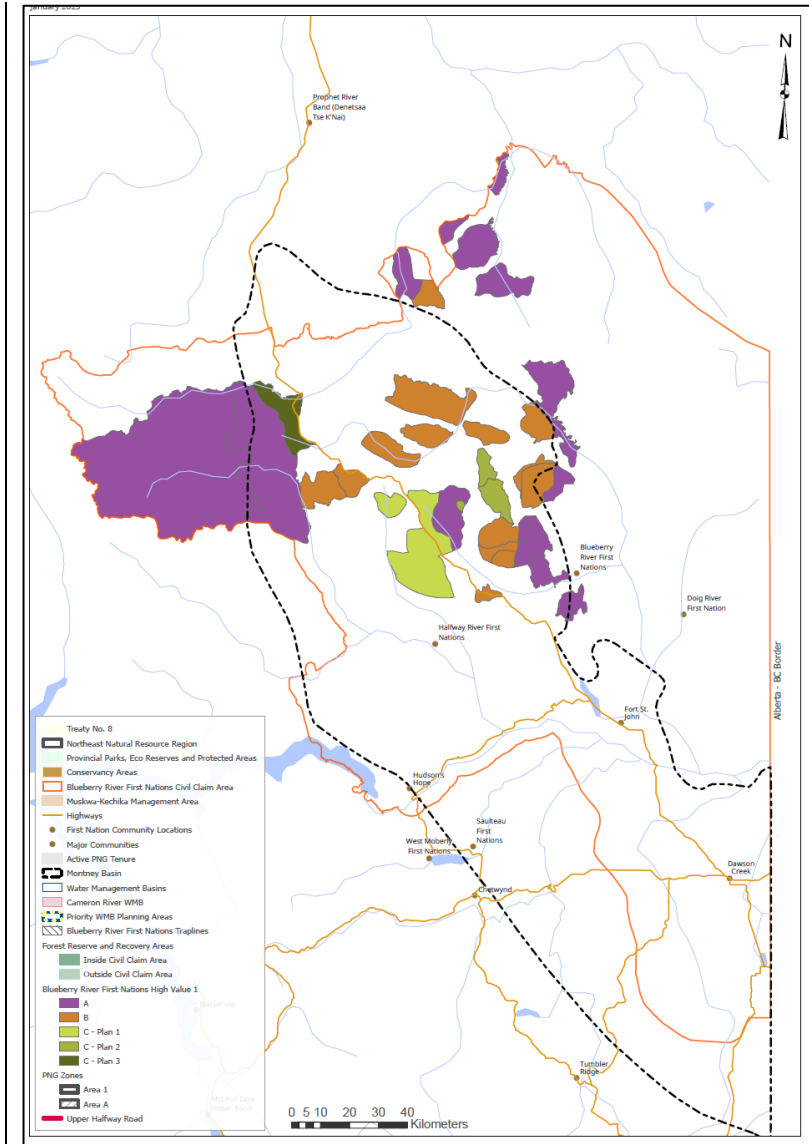
#### 4. Important land use areas and planning processes to apply

The design of current and future land use activities are and will be based on areas of cultural importance to the First Nations. With Blueberry River First Nations (BRFN), there are several important areas zoned for different management requirements and expected outcomes, such as protection from new development.

The zones are described below, and illustrated on the map to the right:

**High Value 1 Areas:** These polygons are called BRFN’s ‘High Value 1’ (HV1) areas and are important places for the families within BRFN to practice their treaty rights. These areas are of critical importance for protection to BRFN, and there are limits to development planned in them going forward.

The HV1 areas have been zoned into three categories based on the future ability for New Disturbance from Oil and Gas Activities: A, B and C.



**HV1A** areas are shown in a purple colour, are located on the periphery of the Montney. The Province has committed to 100 per cent protection from New Disturbance in these areas, which will require legislative or regulatory measures to implement. Within these areas:

- No New Disturbance will be allowed (subject to limited exceptions below);
- Existing PNG operations will be wound down at the end of their useful life; existing infrastructure and wells will continue to operate and produce until they are depleted;
- Other existing facilities serving operations outside of the HV1A areas may continue to operate for the life of those facilities. Such facilities may be enhanced or expanded for the purposes of operations outside the HV1A areas, provided that no New Disturbance is required;

- Additional pipelines required to tie-in outside wells to an existing gas processing facility are allowed provided they follow existing corridors that transect the relevant HV1A area;
- Workspaces required in respect of ongoing operations and maintenance of existing infrastructure are allowed, provided the principles for limiting New Disturbance are duly applied.

BRFN may agree to exceptions to the above on a case-by-case basis.

**HV1B** areas are shown in an orange colour. The plans for these areas will aim to protect 80 per cent of these areas from New Disturbance. Also, the following operational rules apply:

- Applications which propose New Disturbance in HV1B will not be considered for a period of two years and must be consistent with an approved HV1 Plan; and
- Applications which do not create a New Disturbance will be considered and will be subject to consultations.

**HV1C** areas are shown in a chartreuse colour, are located mostly in the centre of the other polygons and along the Alaska Highway. The plans for these areas will aim to protect 60 per cent of the area from New Disturbance. Also, the following operational rules apply:

- Applications which propose New Disturbance in HV1C will not be considered during HV1 planning and must be consistent with an approved HV1 Plan; and
- Applications which do not create a New Disturbance shall be considered and will be subject to consultations.

For the 80 and 60 per cent protection targets in HV1B and HV1C, the expectation by B.C. and BRFN is that areas are identified where less fragmentation and activity has occurred, and development is concentrated as much as possible.

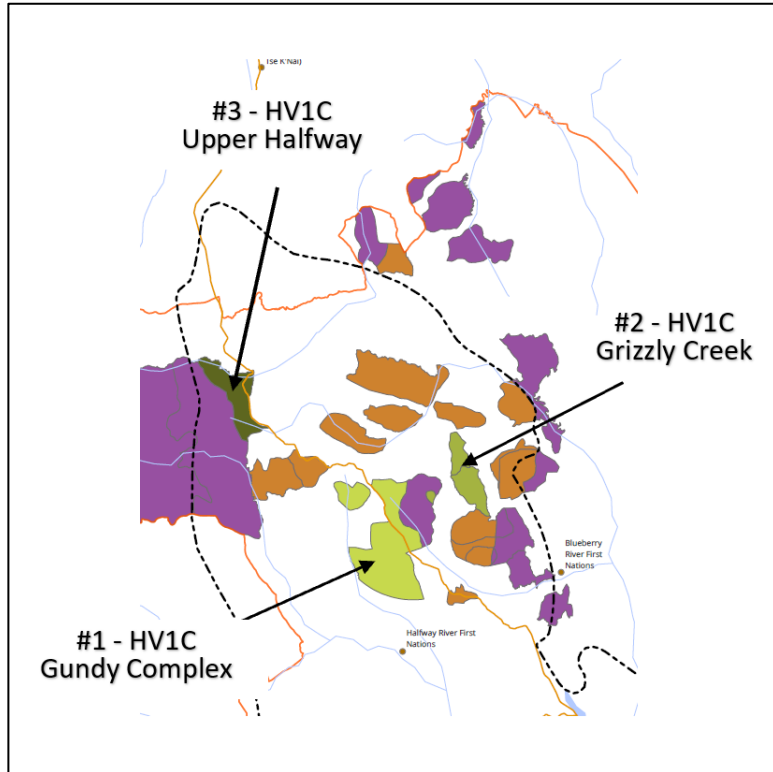
In each of the HV1 areas, there will be a focus on:

1. accelerated restoration, both through the forthcoming work of the BRFN-B.C. Restoration Fund, and through dormant sites designations under the Dormancy and Shutdown Regulation; and
2. planning, to confirm where the protections from New Disturbance will be placed, and where the opportunity for New Disturbance can occur.

HV1 planning with BRFN for Oil and Gas Activities will occur in two steps, concurrently:

**First**, with “HV1 Plans” which will focus on PNG activities only, to identify and confirm where restoration should occur, where development is suitable, and where the protections from New Disturbance should be located.

- There are four ‘waves’ of HV1 Plans expected, based on agreed to timelines to complete the HV1 Plans.
- The first HV1C Plan is scheduled for completion by November 2023 and is called the Gundy Complex.
- The second HV1C Plan is scheduled for completion by April 2024 and is called Grizzly Creek.



- The third HV1C Plan is scheduled for completion by June 2024 and is called Upper Halfway.
- The fourth HV1 Plan is working on all the HV1B (orange) areas together or based on a sequence as learned through the first three waves on HV1C. One or multiple HV1B Plans are targeted for completion by February 2025.

For each of these HV1C and HV1B Plans, the Ministry of Energy, Mines and Low Carbon Innovation is the lead accountable provincial agency.

**Second** in the planning process, is to bring in all-natural resource sector tenure and licence interests and complete more comprehensive land use plans at a watershed level.

**Watershed Management Basins (WMBs) and WMB Plans** are an integral part of the future of resource development in BRFN’s core territory.

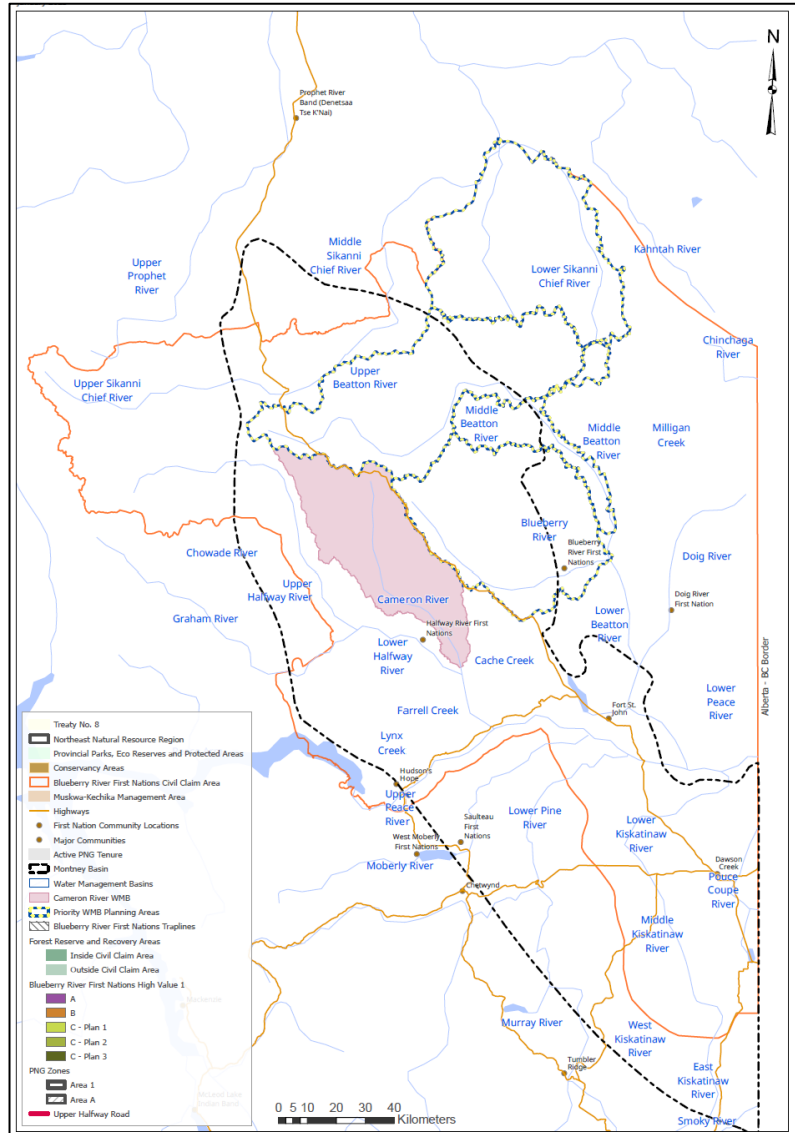
The Province and BRFN have agreed to advance a minimum of three Priority WMB Plans by Dec. 31, 2025 in the following watershed management basins (WMB):

- Upper Beattoon River, paired with a portion of the Middle Beattoon as illustrated,
- Blueberry River, and
- Lower Sikanni Chief River.

The Cameron River WMB highlighted in a pink colour is also a priority area for WMB Planning, after the work on the above WMBs is substantively complete or is complete.

The planning scope is focused within the Claim Area for watersheds that extend beyond.

For each of these WMB Plans, the Ministry of Water, Land and Resource Stewardship is the lead accountable provincial agency.

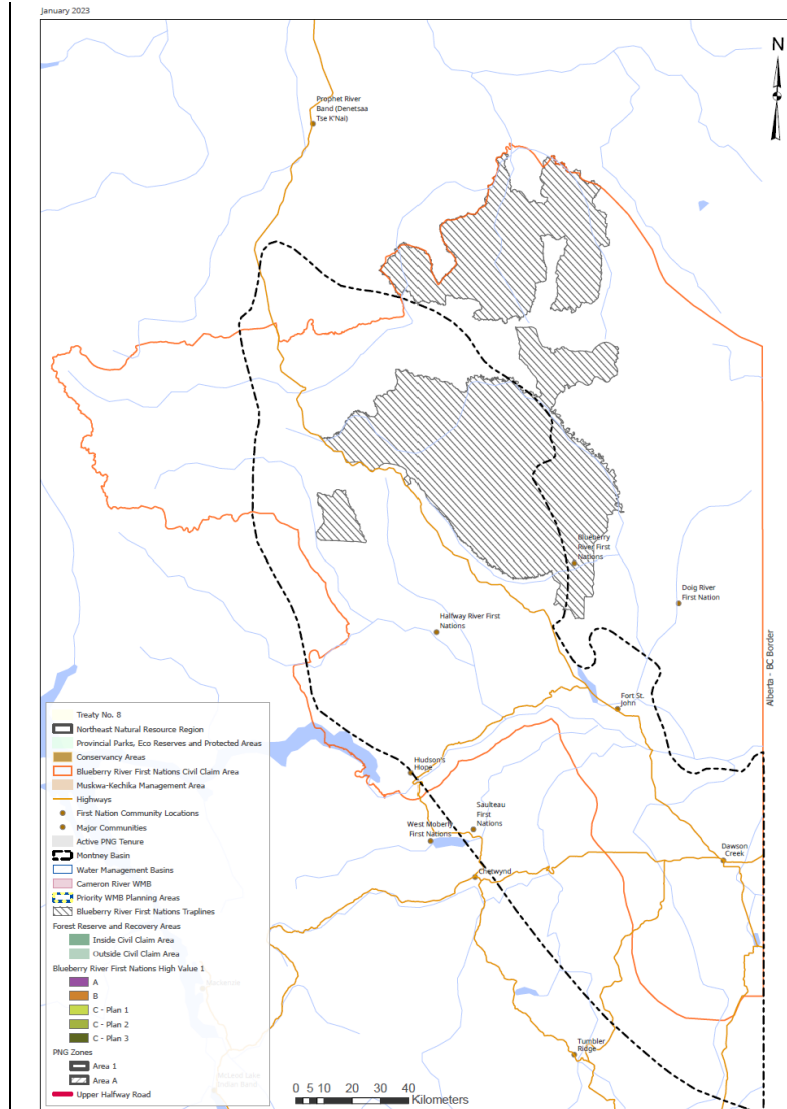




**BRFN Traplines** are an area where increased engagement expectations are required for Oil and Gas Activities.

More about operational practices will follow in this document.

It is possible once the HV1 Plans, or WMB Plans are complete, engagement expectations with BRFN and with Trapline Holders may evolve, as those plans may specify sufficient expectations that Trapline Holders may not be interested in engagement.



Working with other Treaty 8 Nations and with the Consensus Document in place, there are planned areas for protection and enhanced management. Details on these expectations will be the subject of further Information Updates.

## 5. Operational Decision Making

To assist in operational decision making, the Province will provide binding direction to the Commission through a legislative mechanism to ensure the applications can be reviewed with the rules applied.

As per the PNG principles above, proposed oil and gas activities should avoid New Disturbance to the extent possible. Where that is unavoidable, there are new rules guiding activity on



Crown land (including no-go areas and New Disturbance caps). If the proposed activity is not creating New Disturbance, review the application requirements and rules below to determine what applies.

New oil and gas activity applications will be reviewed to ensure they demonstrate what efforts were made to consolidate the subject New Disturbance with any existing disturbance; identify all project and activity components that require authorization whether they are part of the subject application or not (ensure all activities are located for full consideration of cumulative effects); include a pre-engagement report that outlines the process that was used to engage BRFN. The report must include descriptions of any support, objections or concerns raised during the engagement and the manner in which the application addresses them.

To recognize there were applications that were submitted to the Commission for consideration prior to and during negotiations, the Agreement identifies existing applications. These existing applications were split into “existing priority applications” (priority) and “existing applications” (existing). The List of Existing Priority Applications (**Appendix 1**) was created in communication with companies and in negotiations with BRFN. They will have an expedited process to reach decision from the Commission.

Existing applications that are not on the priority list will be reviewed consistent with the processes identified in the agreement and following the application process principles outlined in the next section.

To help understand how applications will be reviewed on a go forward basis, the following information is being provided.

### **Allocation of New Disturbance**

- There will be New Disturbance caps (caps) within the Claim Area to limit the amount of oil and gas activity causing New Disturbance on the land base (see New Disturbance definition). New Disturbance will be capped at 750 hectares per year.
- The 750 hectares will be split between three main areas (See Reference Map **Appendix 2**).
  - Area 1 covers a core area of concern to BRFN, and it will have a sub-cap of 200 hectares per year.
  - A second sub-cap area is Area A which will have a default of 200 hectares per year, until it is replaced by a new sub-cap area to be negotiated among BRFN and Halfway River First Nation in the Cameron River Watershed Basin area. If a new sub-cap is determined and agreed to by the Province for this area, it will replace the Area A sub-cap.
  - The third area is the remaining part of the Claim Area which will have the remainder of the cap per year.

- New Linear Disturbance shall be limited to 35 kilometres per year within Area 1.
- The cap will be allocated by the Commission, and if not fully used in a calendar year, it can be carried over to the following calendar year by the Commission.
- The caps will be reviewed annually by BRFN and the Province to determine if restoration and planning has progressed sufficiently to consider adjusting the caps.

Allocation of the 750 hectares will be governed by rules outlined in the document “Proposed Allocation of New Disturbance for 2023” (**Appendix 3**).

A disturbance fee of \$60,000 per hectare will be applied for all New Disturbance in HV1, trapline, and priority WMB plan areas. The disturbance fee will be a condition on the permit. Applicants will be required to pay this fee to the BRFN-B.C. Restoration Fund and provide confirmation to the Commission prior to initiating any New Disturbance. Further details on where this payment is to be made will be shared. A disturbance fee credit will be considered if payments have already been made to BRFN for similar purposes in respect of the application or related project activities. Confirmation will be required from BRFN.

### **Setbacks and Other Matters**

A number of setbacks will be required to respect the values identified by BRFN. These values and the associated setbacks include:

- Grizzly bear den sites within HV1 and Trapline Areas will have a 500 meter setback for multi-well pads and facilities and a 250 meter setback for linear disturbances;
- Within HV1 and Trapline Areas contiguous areas of Old Growth Forest should be avoided where possible and further to minimize the amount, duration and impact that any New Disturbance may have in these areas;
- In HV1 and Trapline Areas, New Disturbance within the high value moose habitat must be avoided;
- One kilometre setback from First Nations cabins which locations have been mapped and provided to the Province and which were in existence before the effective date of the agreement;
- 500 metre setback from First Nations campsites, spiritual and medicinal plant sites which have been mapped and provided to the Province and were existing prior to the effective date or as updated from time to time as information is gathered; and
- 250 metre setback from mineral licks or wallows and established cultural trails which have been mapped and provided to the Province and which were in existence prior to the effective date or as updated from time to time as information is gathered.
- Setback specific to streams and wetlands as follows:

- Class S1-A stream = 100 metres
- Class S1-B stream = 70 metres
- Class S2 stream = 50 metres
- Class W1 wetland = 50 metres
- Class W2 wetland = 30 metres

There shall be no New Disturbances within W2 wetlands except to facilitate crossings where there is no reasonably feasible alternative route.

Further spatial information and clarity on the values above will be provided.

For oil and gas activities within trapline areas, industry must engage with the trapline holder to identify acceptable locations for activities before making an application to the Commission. Applicants must advise the Commission in their application of the outcome of their engagement with trapline holders and whether the trapline holders consent or not to the proposed application. Detailed expectations for this engagement will be communicated in future technical briefings.

Applicants submitting applications that include new linear disturbance will be required to provide the calculation of the total kms of New Disturbance, and for new seismic lines and pipeline right of ways, include access management measures at all intersections and line of sight mitigations to be clearly identified at least every 200 meters.

The rules for oil and gas applications may receive exceptions, if BRFN agrees to waive the requirements or may be modified or replaced outside of HV1, Trapline areas and priority WMB Plan areas by other Treaty 8 Nation plans that may be developed.

## **6. Application Process Principles During Agreement Implementation**

The Commission has continued to adapt the review and decision process for applications within Treaty 8, and to guide the organization, a principle-based approach is used. Three broad principles are defined and guide consultation, application review and decision making. The principles are:

- a. Maintain the honour of the Crown and consult meaningfully, in good faith, and in a manner that integrates the Burke decision, on both Crown and private land.
  - i. This means the Commission is transforming the application referral, consultation and permitting processes in consultation with Nations to address the Nation's ability to meaningfully exercise its treaty rights.

- b. As an agent of the Crown, the Commission must carry out its responsibilities under OGAA and ensure administrative fairness to proponents, First Nations and those impacted by oil and gas development.
  - i. To do this, the Commission will implement a system that provides confidence in and certainty of process to industry, First Nations, Provincial Government, stakeholders, and the public. While the system is under transformation, the Commission will continue to move forward with consultation and moving to decisions on Crown and private land.
- c. Match resourcing to commitments in the negotiated agreements.
  - i. This means the Commission will tailor the volume of applications undergoing consultation to the ability of each Nation to respond.

### Appendix 1: Existing Priority Applications

	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
1	1	100114722		ConocoPhillips Canada Resources Corp.	New OGAA
2	1	100113954		Tourmaline Oil Corp.	New OGAA
3	1	100114719		ConocoPhillips Canada Resources Corp.	New OGAA
4	1	100114141		Tourmaline Oil Corp.	New OGAA
5	1	100114222	100020214	NorthRiver Midstream Operations GP Inc.	Amendment
6	1	100113427		PETRONAS Energy Canada Ltd.	New OGAA
7	1	100114296		NorthRiver Midstream Operations GP Inc.	New OGAA
8	1	100113904	100107793	NorthRiver Midstream Operations GP Inc.	Amendment
9	1	100114930		Tourmaline Oil Corp.	New OGAA
10	1 & A	100113807		NorthRiver Midstream Operations GP Inc.	New OGAA
11	1 & A	100113649		Tourmaline Oil Corp.	New OGAA
12	1	100113606		PETRONAS Energy Canada Ltd.	New OGAA
13	1	100113503		PETRONAS Energy Canada Ltd.	New OGAA
14	1	100113612		PETRONAS Energy Canada Ltd.	New OGAA
15	1	100113771		PETRONAS Energy Canada Ltd.	New OGAA
16	1	100112448		Black Swan Energy Ltd.	New OGAA
17	1 & A	100115298		PETRONAS Energy Canada Ltd.	New OGAA
18	1	100110722		PETRONAS Energy Canada Ltd.	New OGAA
19	1	100116378		Tourmaline Oil Corp.	New OGAA
20	1	100113799		PETRONAS Energy Canada Ltd.	New OGAA
21	1	100116224		Tourmaline Oil Corp.	New OGAA
22	1	100112994		PETRONAS Energy Canada Ltd.	New OGAA
23	1	100114426		PETRONAS Energy Canada Ltd.	New OGAA

	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
24	1	100114530		PETRONAS Energy Canada Ltd.	New OGAA
25	1	100115268	100078988	PETRONAS Energy Canada Ltd.	Amendment
26	1	100115025	100112482	PETRONAS Energy Canada Ltd.	Amendment
27	1	100115479		PETRONAS Energy Canada Ltd.	New OGAA
28	1	100116500	100081629	Todd Energy Canada Limited	Amendment
29	1	100114533	100084714	NorthRiver Midstream Operations GP Inc.	Amendment
30	1	100113796	100102794	Tourmaline Oil Corp.	Amendment
31	1	100112710		Tourmaline Oil Corp.	New OGAA
32	1	100114297		PETRONAS Energy Canada Ltd.	New OGAA
33	1	100113943		PETRONAS Energy Canada Ltd.	New OGAA
34	1	100114058		Storm Resources Ltd.	New OGAA
35	1	100114790		Canadian Natural Resources Limited	New OGAA
36	1	100115478		Canadian Natural Resources Limited	New OGAA
37	1	100111530	100075316	Tourmaline Oil Corp.	
38	1	100111434		Tourmaline Oil Corp.	
39	1	100111534		Tourmaline Oil Corp.	
40	1	100111537		ConocoPhillips Canada Resources Corp.	
41	1	100111984		PETRONAS Energy Canada Ltd.	
42	1 & A	100110684		Arc Resources	
43	A	100115129		Yoho Resources Inc.	New OGAA
44	A	100113450		Pacific Canbriam Energy Limited	New OGAA
45	A	100113477		Pacific Canbriam Energy Limited	New OGAA
46	A	100113517	100112414	Pacific Canbriam Energy Limited	Amendment

	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
47	A	100113520	100107750	Pacific Canbriam Energy Limited	Amendment
48	A	100114428	100084155	Pacific Canbriam Energy Limited	Amendment
49	A	100113284		ARC Resources Ltd.	New OGAA
50	A	100114589		Pacific Canbriam Energy Limited	New OGAA
51	A	100114591		Pacific Canbriam Energy Limited	New OGAA
52	A	100115058		Pacific Canbriam Energy Limited	New OGAA
53	A	100108618		ARC Resources Ltd.	New OGAA
54	A	100113287		ARC Resources Ltd.	New OGAA
55	A	100114117		ARC Resources Ltd.	New OGAA
56	A	100113487		ARC Resources Ltd.	New OGAA
57	A	100109569		ARC Resources Ltd.	New OGAA
58	A	100115252	100108551	Yoho Resources Inc.	Amendment
59	A	100113849		ConocoPhillips Canada Resources Corp.	New OGAA
60	A	100114354		Pacific Canbriam Energy Limited	New OGAA
61	A	100114355		Pacific Canbriam Energy Limited	New OGAA
62	A	100115382		Yoho Resources Inc.	New OGAA
63	A	100112903		Canadian Natural Resources Limited	New OGAA
64	A	100114473		Pacific Canbriam Energy Limited	New OGAA
65	A	100114529		ConocoPhillips Canada Resources Corp.	New OGAA
66	A	100114076		ConocoPhillips Canada Resources Corp.	New OGAA
67	A	100114213		PETRONAS Energy Canada Ltd.	New OGAA
68	A	100114051		Tourmaline Oil Corp.	New OGAA

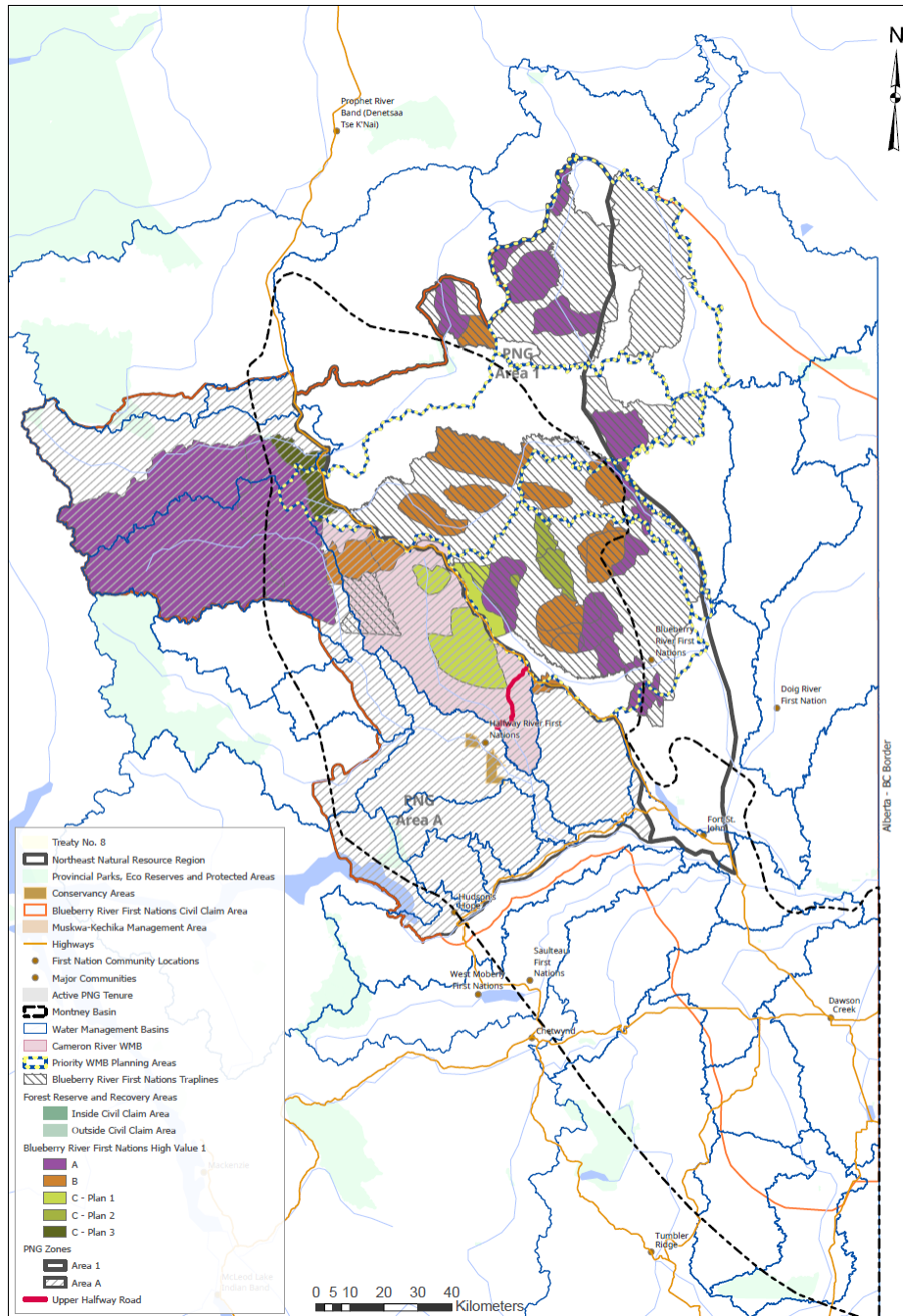


	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
69	A	100113766		Yoho Resources Inc.	New OGAA
70	A	100114596		ConocoPhillips Canada Resources Corp.	New OGAA
71	A	100115251	100103878	Yoho Resources Inc.	Amendment
72	A	100114436	100111123	PETRONAS Energy Canada Ltd.	Amendment
73	A	100115465		Yoho Resources Inc.	New OGAA
74	A	100114301		PETRONAS Energy Canada Ltd.	New OGAA
75	A	100115294	100104294	ConocoPhillips Canada Resources Corp.	Amendment
76	A	100115567		PETRONAS Energy Canada Ltd.	New OGAA
77	A	100115735		Yoho Resources Inc.	New OGAA
78	A	100113576		PETRONAS Energy Canada Ltd.	New OGAA
79	A	100113917	100074284	PETRONAS Energy Canada Ltd.	Amendment
80	A	100114302		Canadian Natural Resources Limited	New OGAA
81	A	100113928		Canadian Natural Resources Limited	New OGAA
82	A	100112367	100057613	Tourmaline Oil Corp.	Amendment
83	A	100114168		Tourmaline Oil Corp.	New OGAA
84	A	100113618		Tourmaline Oil Corp.	New OGAA
85	A	100113130		Canadian Natural Resources Limited	New OGAA
86	A	100115512	100018791	Canadian Natural Resources Limited	Amendment
87	A	100114189	100107859	PETRONAS Energy Canada Ltd.	Amendment
88	A	100112587		Canadian Natural Resources Limited	New OGAA
89	A	100113457		Canadian Natural Resources Limited	New OGAA
90	A	100115362	100083534	PETRONAS Energy Canada Ltd.	Amendment
91	A	100113573	100109367	ARC Resources Ltd.	Amendment

	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
92	A	100113620		ARC Resources Ltd.	New OGAA
93	A	100115641		ARC Resources Ltd.	New OGAA
94	A	100113915		ARC Resources Ltd.	New OGAA
95	A	100114027		ARC Resources Ltd.	New OGAA
96	A	100113487		ARC Resources Ltd.	New OGAA
97	A	100113822		ARC Resources Ltd.	New OGAA
98	A	100114926		ARC Resources Ltd.	New OGAA
99	A	100115100		ARC Resources Ltd.	New OGAA
100	A	100112693		Tourmaline Oil Corp.	New OGAA
101	A	100112784		Tourmaline Oil Corp.	New OGAA
102	A	100116113		Tourmaline Oil Corp.	New OGAA
103	A	100116117		Tourmaline Oil Corp.	New OGAA
104	A	100113860		PETRONAS Energy Canada Ltd.	New OGAA
105	A	100115805		PETRONAS Energy Canada Ltd.	New OGAA
106	A	100116174	100072946	PETRONAS Energy Canada Ltd.	Amendment
107	A	100116175	100110675	PETRONAS Energy Canada Ltd.	Amendment
108	A	100116192		PETRONAS Energy Canada Ltd.	New OGAA
109	A	100116277		PETRONAS Energy Canada Ltd.	New OGAA
110	A	100116441	100076915	PETRONAS Energy Canada Ltd.	Amendment
111	A	100116494	100081884	PETRONAS Energy Canada Ltd.	Amendment
112	A	100114300		PETRONAS Energy Canada Ltd.	New OGAA
113	A	100113507		PETRONAS Energy Canada Ltd.	New OGAA
114	A	100113483		PETRONAS Energy Canada Ltd.	New OGAA
115	Rest of Claim Area	100114402		Canadian Natural Resources Limited	New OGAA
116	Rest of Claim Area	100114282		Whitecap Resources Inc.	New OGAA

	Area	Application/ Amendment Number	Application Determination Number	Proponent	Type of Application
117	Rest of Claim Area	100113068		Crew Energy Inc.	New OGAA
118	Rest of Claim Area	100113597		Crew Energy Inc.	New OGAA
119	Rest of Claim Area	100112671		NOVA Gas Transmission Ltd.	New NEB Related
120	Rest of Claim Area	100115373	100068460	Canadian Natural Resources Limited	Amendment
121	Rest of Claim Area	100113227		Murphy Oil Company Ltd.	New OGAA
122	Rest of Claim Area	100113241		Shell Canada Limited	New OGAA
123	Rest of Claim Area	100114268		Canadian Natural Resources Limited	New OGAA
124	Rest of Claim Area	100114630		Canadian Natural Resources Limited	New OGAA
125	Rest of Claim Area	100113219		Canadian Natural Resources Limited	New OGAA
126	Rest of Claim Area	100115270		Crew Energy Inc.	New OGAA
127	Rest of Claim Area	100115780		Crew Energy Inc.	New OGAA
128	Rest of Claim Area	100116761		Crew Energy Inc.	
129	Rest of Claim Area	100115447		Canadian Natural Resources Limited	New OGAA

## Appendix 2: Reference Map



## Appendix 3: Proposed Allocation of New Disturbance for 2023

**Note:** The Ministry of Energy, Mines and Low Carbon Innovation is soliciting feedback on this section until Feb. 9, 2023. Please direct feedback and comments to [oilandgasconsultation@gov.bc.ca](mailto:oilandgasconsultation@gov.bc.ca)

### Disturbance Allocation Concepts

The Blueberry River First Nations Implementation Agreement (Agreement) established a cap on New Disturbance as a component of managing cumulative effects while planning is undertaken. The allocation of the cap is not set out in the Agreement. Tenure allocation under the New Disturbance Cap (as referenced in the Agreement) will be based on the following assumptions and principles:

- A portion of the cap or sub-cap for an area will be allocated proportionally to all companies holding at least two per cent of the Montney tenure in that area.
- The remaining portion will be allocated in a principled way at the discretion of the Commission (government will provide this direction – draft principles outlined below).
- The Commission will work with individual companies regarding their priorities and in determining which applications will be processed in a given year, as well as which applications will be bundled together or dependent, and what the required timing of each application is. This discussion will include a consideration of each company's applicable applications that have already been submitted to the Commission for review, as well as the applications or bundles of applications not yet submitted. This discussion with each applicant is proposed to occur early in the calendar year (from now through March for 2023), prior to applications being submitted.

### Tenure-based allocation: 50 per cent

- All tenure holders with greater than two per cent tenure interest (i.e. hold at least two per cent of the existing Montney tenure within the applicable cap application area) will get an initial allocation based on the proportion of their tenure holdings: proportional holding per cent of the 50 per cent of the total area cap.
- Tenure-based allocation to be measured on tenure holdings at the beginning of the calendar year. Tenures purchased or transferred after the allocation period in a given year will not be reconciled for allocation adjustments until the following calendar year.
- Companies will work with the Commission to identify priority applications (per key assumptions, below) and determine which will be applied to their tenure-based allocation early in the year (conversations to begin late in the previous year or early in the year through March of each allocation year).

- If a company does not identify priority applications that utilize their tenure allocation, the remaining allocation will be added to the discretionary allocation envelope for the area in which the tenure is held.
- Companies that wish to raise concerns regarding the calculation for their tenure-based allocation should direct those concerns to the Ministry of Energy, Mines and Low Carbon Innovation.

### **Discretionary allocation: 50 per cent**

- The remaining 50 per cent (+ any unutilized tenure-based allocation) will be allocated in a principled way. The Commission be directed by the Ministry to determine discretionary allocation within the Area under the following considerations (in order of weight):
  - The extent to which the overall development plan (and application bundle) seeks to minimize cumulative effects (as indicated by total New Disturbance of each application or application bundle) and utilizes existing proximate disturbances. This may include a quantification of the ratio of New Disturbance to existing disturbance for the development.
  - The extent to which an applicant can demonstrate how outcomes of pre-engagement with Nations has been incorporated or addressed in the development proposal or application bundle.
  - Consideration of alignment of applications with three-year development interests and overall plan (e.g. prioritize applications for common infrastructure over a one off development).
  - Consideration for timing of the development within the three-year plan (e.g. can the application be deferred to next year or has the company rationalized the need for the current year?).
  - Consideration of the economic significance, investment, and dependencies related to the development proposal.
- If the remaining discretionary allocation is not fully subscribed, the balance of this envelope will be held back until the mid-year review.
- Discretionary allocation of New Disturbance to companies that do not receive a tenure-based allocation will be considered before those that receive a tenure-based allocation. However, the Commission will seek to balance the needs of companies that received a tenure-based allocation for additional New Disturbance with the needs of companies that did not receive a tenure-based allocation.

### **Mid-Year Review**

- A proportion of the discretionary (10 per cent + any portion unallocated during the initial allocation early in the year) may be withheld until mid-year when a reconciliation/recalibration based on application processing would occur.
- The same process as above will take place. Companies will work with the Commission to maximize processing of their priority applications within the cap.