



Blueberry River First Nations Implementation Agreement Form Physical Address: 6534 Airport Road, Fort St. John, B.C. V1J 4M6 Mailing Address: OGC, Bag 2, Fort St. John, B.C. V1J 2B0 Phone: (250) 794-5200	
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THIS FORM IS A MANDATORY ATTACHMENT TO BE UPLOADED IN AMS, UNDER THE FIRST NATIONS TAB, WITHIN THE BRFN SECTION AS AN "OTHER" ATTACHMENT. FURTHER GUIDANCE REGARDING THE AGREEMENT CAN BE FOUND [HERE](#).

THIS IS AN AUDITABLE DOCUMENT.

ADMINISTRATION		A
Applicant Name:	Application (AA) Number: For amendments, provide the AD Number:	
<input type="checkbox"/> New Application	Revision Number:	
<input type="checkbox"/> Amendment Application	Revision Number:	
APPLICATION PLANNING		B
1. Is the application area within the Claim Area? Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please provide detail on whether the application will, or will not, induce other development activities within the Claim Area? <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		
2. Does the application area fall within any of the following Claim Area zones? Yes <input type="checkbox"/> (select all that apply below) No <input type="checkbox"/> <input type="checkbox"/> HV1A <input type="checkbox"/> HV1B <input type="checkbox"/> HV1C <input type="checkbox"/> Trapline Areas, identified in Schedule G of the Implementation Agreement <input type="checkbox"/> Priority Watershed Management Basin Areas, including Cameron River WMB		
3. Identify the land status: Crown land <input type="checkbox"/> Private land <input type="checkbox"/> If on private land, please provide detail on whether the application will, or will not, induce other development activities on Crown land within the BRFN Claim Area? <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		
4. Does the application meet the criteria for Minor Application listed in the Definitions section below? Yes <input type="checkbox"/> (Proceed to Section J) No <input type="checkbox"/>		
5. Has pre-application engagement with BRFN been conducted as per the Agreement? Yes <input type="checkbox"/> No <input type="checkbox"/> Has BRFN Lands and Resources Department provided input into the location and development and restoration plans for the proposed activity and all associated project components? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe how BRFN's input was incorporated into the proposed location and development and restoration plans. If no, provide rationale: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		
PROJECT AND ACTIVITY COMPONENTS		C

1. Applicants must identify all project and activity components requiring authorization (including, without limitation, well sites, facilities, pipelines, roads, and workspaces) whether they are part of the subject application or not. Please describe and list:

2. Describe how these applications relate to longer term development plans. Provide a map and supporting shapefiles (kmz preferred) for the entire project where possible:

3. Does this project require authorizations or approvals for activity components from other Provincial authorities?

Yes No

(Examples can include a *cutting authorization from MoF, consent to connect from MOTI, etc.*)

If yes, provide details including the activity, Ministry, and application number:

Activity:

Ministry name:

Ministry application number:

Provide information on the type of activity and description of project (Include a rationale if applications have not yet been submitted to the other Provincial authorities):

PRE-APPLICATION PLANNING TO LIMIT NEW DISTURBANCE

D

The overarching Principles for Limiting New Disturbance are to use best efforts to:

- a. maximize both land protections and limitations on Oil and Gas Activity within HV1 and limit New Disturbance in the balance of the Claim Area through the provisions set forth and described in the Implementation Agreement;
- b. limit overall areas of New Disturbance by approximately half with New Disturbance caps compared to previous years;
- c. avoid New Disturbance for new wells and infrastructure in favour of previously disturbed sites;
- d. where disturbance exists, use such existing disturbance as much as possible for new Oil and Gas Activity; and
- e. ensure that overall limits, potential locations and manner of any New Disturbance is managed through the application of the Cumulative Effects Management Regime.

Applicants are required to demonstrate that their projects are consistent, to the greatest degree possible, with these overarching principles.

1. How have factors to limit disturbance of the present application and all associated project components been considered:

- a. Does the application completely avoid New Disturbance?

No

Yes

- b. If no, describe how the application uses as much existing disturbance as possible? Describe what measures were taken to address each of the following below. Identify how each factor was considered for each project component, as applicable (i.e. distinguish between well pad and temporary work space where possible)

- i. protect and avoid undisturbed sites;
- ii. avoid fragmenting contiguous Old Growth Forest;
- iii. optimize retention of functional characteristics of existing habitat, large/contiguous, low edge: area ratio/adjacent to high value area/adjacent to non-productive land that is relatively intact;
- iv. avoid impacts to provincially and/or federally designated Species at Risk

2. If New Disturbance is required, describe how the application relates to the applicant's annual New Disturbance cap allocation, including what total New Disturbance is for this application, any associated applications and the total annual New Disturbance allocation:

DISTURBANCE ASSESSMENT

E

1. Does this application include New Disturbance as defined in the Definitions section below?

No (provide explanation in textbox below)

Yes

- a. How many hectares (ha) of New Disturbance?
- b. How many meters (m) of New Linear Disturbance?
- c. What efforts have been made to reduce amount of New Disturbance and/or consolidate with existing disturbance?

2. Does the application area fall within HV1A area?

No

Yes

- a. Existing operations in HV1A areas must be wound down at the end of their useful life. Other existing facilities serving operations outside of the HV1A areas may continue to operate for the life of those facilities. Additional pipelines required to tie-in outside wells to an existing gas processing facility are permissible 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 Principles for Limiting New Disturbance are applied.

Please explain how the application is consistent with these requirements.

3. Does the New Disturbance fall within HV1B area?

No

Yes

All New Disturbance in HV1B areas is deferred until at least January 2025 after which all applications must comply with the applicable HV1 Plan. Please describe how the application is consistent with these requirements.

- a. Provide rationale:

- b. Provide proposed construction timeline:

4. Does the New Disturbance fall within HV1C area?

No

Yes

All New Disturbance in HV1C areas is deferred until completion of applicable HV1 Plans after which all applications must comply with the applicable HV1 Plan.

- a. Is the application consistent with an approved HV1 Plan?

No

Yes

Water Applications (Section can be skipped if application does not include water use)

F

1. If the application is for an authorization under s. 9 or s. 10 of the *Water Sustainability Act* located within the Blueberry River, Upper Beaton River, Lower Sikanni Chief River or the Middle Beaton River watershed basins, does it comply with the [Environmental Flow Needs Framework for Water Management](#)?
No
Yes
2. Please describe efforts that were made to minimize freshwater use in the area. For proposed water withdrawals from streams or lakes, please describe efforts to find alternative sources of water, including dugouts or borrow pits that may be used as alternatives.

SETBACKS AND OTHER MATTERS

G

Specific rules apply to the BRFN Claim Area and special management zones (HV1s and WMBs) under the Implementation Agreement. As HV1 and WMB Plans are established between BRFN and the Province applicable rules may be modified for HV1 Plan and WMB Plan areas. The information requested in this section is intended to assist decision makers to review the application against principles and rules set out in the Implementation Agreement, including the Cumulative Effects Management Regime. The rules under the Implementation Agreement do not apply for all activities and all locations but applicants are encouraged to complete this section to ensure all necessary information is before decision makers.

Please provide information in a summary fashion and include reference to where additional details can be found, as appropriate.

1. Does this application impact or overlap Old Growth Forest, as defined in the Definition section below?

No

Yes

Unknown (Current Condition Report not yet publicly available)

If within an HV1 or Trapline Areas, attach a signed statement from a Qualified Professional (QP) ground truthing the presence or absence of Old Growth Forest. If Old Growth Forest is present the QP must indicate what attempts have been made to minimize the amount, duration, and impact of any New Disturbance to Old Growth Forest and attempts to avoid fragmenting contiguous Old Growth Forest and optimize retention of functional characteristics of Old Growth Forest.

2. Does this application include New Disturbance within the mapped high value moose habitat areas as defined in the Current Condition Moose Report?

No

Yes

Unknown (Current Condition Report not yet publicly available)

If yes, within HV1 or Trapline Areas, applicants must avoid any New Disturbance within the high value moose habitat defined as being core effective suitable forage and winter habitat of greater than 60% effectiveness.

3. There is a minimum setback requirement of 1 kilometer from First Nations' cabins. Is the application area within 1 kilometre of mapped cabin?

No

Yes

Unknown

The disturbance setback is measured from the closest point of disturbance or impact to the sensitive feature.

4. Is the application area within 500 meters of any mapped campsites, spiritual, and medicinal plant sites?

No

Yes

Unknown

Describe if answers to these questions are based on information obtained through pre-application engagement with Blueberry River First Nations.

5. Is the application area within 250 meters of any mapped mineral licks, or wallows, and established cultural trails within the Claim Area?

No

Yes

Unknown

Describe if answers to these questions are based on information obtained through pre-application engagement with BRFN.

6. Does this application require New Disturbance to a Riparian Management Area (RMA) associated with an S1 or S2 stream or W1 or W2 Wetland within the Claim Area?

No

Yes

a. Are setbacks being adhered to?

No

Yes

b. Is the New Disturbance required to facilitate a crossing?

No

Yes

Describe if there are any reasonably feasible alternative routes that would avoid crossing the RMA, and how those were evaluated.

7. Does this application require New Disturbance to a W2 wetland within the Claim Area?

No

Yes

a. Are setbacks being adhered to?

No

Yes

b. Is the New Disturbance required to facilitate a crossing?

No

Yes

Provide an explanation describing what alternative routes were explored, including alternative options identified and their technical feasibility and potential effects.

8. Within HV1 and Trapline Areas, are there any grizzly bear den sites within 500 metres of the proposed development associated with the application, as determined by a Qualified Professional?

No

Yes

Describe where the QP assessment or mitigations are located in the application materials.

9. If the application is for a multi-well pad, facility or New Linear Disturbance in an HV1 or Trapline Area, does the application comply with applicable minimum set back requirements for grizzly bear den sites (500 m for multi-well pads and facilities; 250 m for Linear Disturbances)?

No (provide explanation in textbox below)

Yes

The disturbance setback is measured from the closest point of disturbance or impact to the sensitive feature.

10. Is the application area located within a Forest Reserve and Recovery Area?

No

Yes

11. Is the application area located within 250 m of an HV1 Area?

No

Yes

If yes, describe how potential impacts on these protected areas have been assessed and mitigated.

12. If the application is for a new activity, what is the anticipated timeframe of peak construction? Please provide a schedule for project construction and operation.

a. Describe how this has been discussed through pre-application engagement with BRFN:

b. How will impacts from associated traffic on moose with calves during calving season be monitored and avoided?

1. What is the applicant's plan to restore impacts of the subject application, and what are the proposed timelines for restoration?

[Empty text box for restoration plan and timelines]

2. Are there portions of the proposed activity (eg. temporary workspaces) that will be restored sooner, following initial construction? Yes No

Provide detail:

[Empty text box for detail of restoration portions]

3. Has the applicant engaged with BRFN on restoration activities and methods? Yes No

Provide detail:

[Empty text box for detail of BRFN engagement]

Trapline Areas

I

Section 14. 5 of the Agreement states that third parties must engage trapline holders; this should occur in advance and in addition to the current Requirements in the Consultation and Notification Regulation (RCNR). Third parties should pre-engage with Trapline holders within the Trapline Areas as a part of the BRFN Lands department pre-application engagement process. This pre-application engagement through the BRFN Lands department supports, but does not fulfil, the obligations of the RCNR to consult and/or notify people who hold a registered trapline under the *Wildlife Act*.

1. Does this application impact Trapline Areas?

No (if no, proceed to Section I)

Yes

a. During pre-application engagement with BRFN, did the BRFN Lands and Resources Department coordinate discussions with trapline holders to identify acceptable locations for development?

No (provide explanation in text box below)

Yes (if yes, please describe the results of that engagement in the text box below)

[Empty text box for explanation or results of engagement]

b. During pre-application engagement did BRFN communicate concerns about whether the application had the potential to impact the trapping of fisher, martin, wolverine and/or lynx?

No

Yes

SIGNATURE

J

I _____ hereby attest that the information contained herein is true and correct:

(Print Name)

AUTHORIZED SIGNATORY OF APPLICANT COMPANY

Definitions

Key defined terms from the Implementation Agreement are listed below, along with a definition of Minor Application. In addition to these definitions, any other term defined in the Implementation Agreement is applicable to this document.

Area 1 and Area A: as described in Schedule “M” of the Blueberry River First Nations Implementation Agreement.

Claim Area: the lands within the boundaries identified in orange on Schedule “A” of the Blueberry River First Nations Implementation Agreement.

Cumulative Effects Management Regime means timely and enforceable regulatory and legislative mechanisms and processes (including, without limitation, restoration, resource management commitments, Article 14 rules and the various planning commitments inside and outside of HV1 and across the Claim Area) that are and will be developed to assess the cumulative impact of industrial development on BRFN’s Treaty Rights and to ensure that those impacts do not infringe Treaty Rights and that Treaty Rights are respected by decision makers;

Current Condition Moose Report: that certain undated draft “Current Condition Report for Moose in Northeast Region” prepared through the Regional Strategic Environmental Assessment process;

Health and Safety Activities: 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.

HV1: the high value areas with the boundaries identified on Schedule “B” of the Blueberry River First Nations Implementation Agreement. These are areas of particular cultural significance to Blueberry.

Linear Disturbance: 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.

Minor Application: an application that meets one of the following criteria:

1. Administrative or technical amendment to an existing permit provided that there are no changes that would result in:
 - a. new impacts to land.
 - b. increases in air emissions.
 - c. increases in noise or light emissions.
 - d. increases in traffic in the area.
 - e. impacts to water quality or quantity.
 - f. increases to processing facility capacity.
 - g. increases in, or depends on changes to, upstream capacity or changes to development plans.
 - h. extends the permit expiry date.
 - i. change in operations or permit conditions.
2. Conversion of non-status roads to oil and gas roads, so long as such conversion does not include any new construction or road modification. Non-status roads excludes forestry roads.
3. Standalone cutting permits related to permits that were originally issued after January 18, 2023 provided the cutting permit only authorizes cut within areas that were authorized in the original permit.

New Disturbance: 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 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: 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.

Oil and Gas Activity: 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;

Old Growth Forest: is as referred to in the "Current Condition Report for Old Growth Forest in Northeast Region" dated April, 2022 prepared through the Regional Strategic Environmental Assessment process.

Priority WMB Plans: the three (3) priority WMB Plans for (A) Blueberry River (including the portion of the Middle Beaton as shown in Schedule "E" of the Blueberry River First Nations Implementation Agreement), (B) Upper Beaton River; and (C) Lower Sikanni Chief River, as each area, or portion thereof, is identified in Schedule "E" of the Blueberry River First Nations Implementation Agreement, as the white area within the respective black boundaries. Watershed Management Plan for the Cameron River Watershed Management Area is of a similar priority and is also identified on Schedule "E".

Qualified Professional: individuals who are registered members of one of the following Regulatory Bodies regulated under the Professional Governance Act. The Regulatory Bodies currently regulated under the BC *Professional Governance Act* are:

- Agrologists
- Applied Biologists
- Applied Science Technologists & Technicians
- Engineers and Geoscientists
- Forest Professionals

All work submitted by Qualified Professionals must be within their scope of practice as regulated under the *Professional Governance Act* and consistent with the codes, standards and practices of their Professional Organization.

Trapline Areas: those areas being with the boundaries identified in black on Schedule "G" of the Blueberry River First Nations Implementation Agreement, which are held by BRFN and BRFN members.