

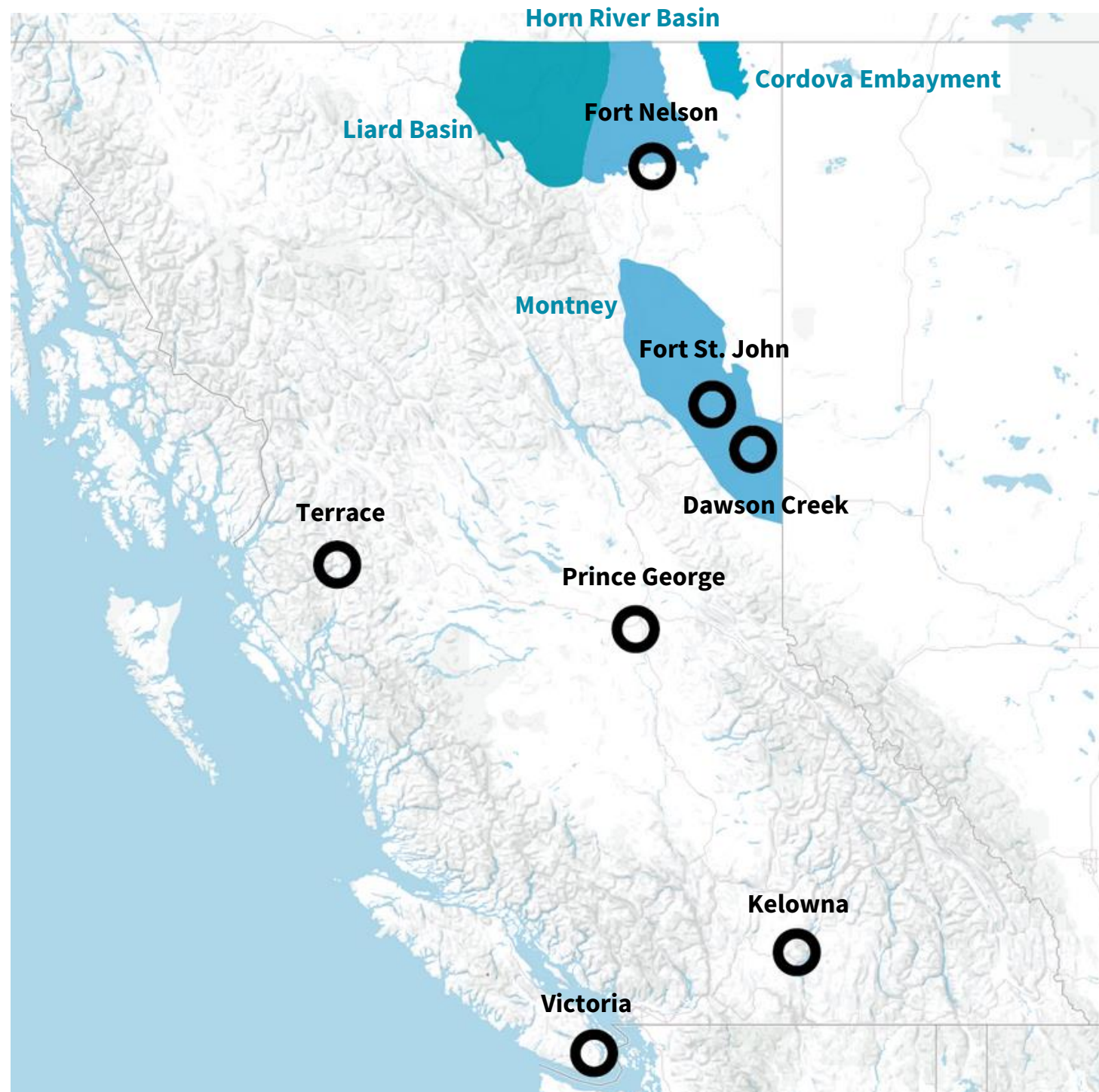
New Planning and Mitigation Measures for Energy Resource Activities in Treaty 8 Territory



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Territorial Acknowledgment

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships to the land and water, which the British Columbia Energy Regulator's work spans. We also respectfully acknowledge the Métis and Inuit people living across B.C.

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Information

Session Objectives

- Assist permit holders and operators in understanding the history, intention, and practices involved in implementing the Measures;
- Provide an opportunity for Q&A.



Introduction

- The planning and mitigation measures were issued on January 15, 2024, and will be in effect on April 15, 2024.
- Since releasing the Measures in January, we have received several questions and feedback from industry. These helped to inform the session today.
- Pre-engagement with Indigenous communities is required for proponents seeking oil and gas permit.

History of the Measures

- Letters of Agreement were signed endorsing the Consensus Document that set out various initiatives to enhance natural resource management in Treaty 8 Territory to meet the Crown's obligations to uphold constitutionally protected Treaty Rights and support responsible resource development and economic activity.
- Honouring the commitment and align with the *Declaration on the Rights of Indigenous Peoples Act*, the BCER will require operators to employ the following Treaty 8 Planning and Mitigation Measures for all applications within the Treaty 8 Area.



The Measures Are...

- They are meant to provide insight on what to expect when preparing for and carrying out pre-engagement.
- Application requirements that implement consistent planning and construction requirements for energy resource operators working throughout Treaty 8 Territory to protect wildlife, the environment, Treaty Rights and Indigenous way of life.
- A starting point for collaborative co-management between proponents, Indigenous communities, and the BCER.
- Tangible, practical actions aimed at conserving the environment, safeguarding the practice of Treaty Rights, and enabling sustainable resource development.
- To be addressed with Indigenous nations during pre-engagement.

The Measures are NOT...

- A replacement to the requirements that may be outlined in the Consensus Document, Implementation Agreement, and other plans that are underway or to be finalized in the future.
- A replacement for existing guidelines (such as the Environmental Protection Management Guidelines).
- Exhaustive or final. They will be adapted collaboratively, as necessary, to meet future needs.

The Measures support and operationalize many of the goals and objectives that are part of the province of British Columbia's commitments made through agreements.



Informed by Input & Feedback

The planning and mitigation measures support responsible energy resource development in Treaty 8 Territory and provide greater certainty, clarity and predictability for industry. Through engagement the planning and mitigation measures were:

- Drafted with input from Treaty 8 Nations drawing from extensive discussions on issues and insights during consultation.
- Informed by industry feedback and built upon innovative practices utilized by oil and gas operators.



About the Measures

- They apply across the Treaty 8 Territory in Northeast B.C.
- Organized by activity type (seismic, roads, aggregate and borrow pits, pipelines, facilities, and water).
- Baseline planning and mitigation measures for environmental values, restoration, and additional project planning considerations.
- The items listed under the sections “Additional Project Planning Considerations” are important considerations that will likely need to be addressed during pre-engagement.



What does “take effect” mean?

- As of March 7, 2023, the Regulator required proponents to engage affected First Nations prior to application submission.
- After April 15, 2024, pre-engagement must occur, and applications must align with the Measures before an application moves to the consultation and decision-making phases.
- Authorizations will include specific conditions and advisory guidance to ensure compliance with the Measures during construction, operation, and upon completion of activities.

Project Scenarios

- Applications that have been submitted before the effective date without receiving a decision are not expected to retroactively incorporate these planning and mitigation measures.
- Projects that have received a positive decision but have not started construction prior to the effect date are also not expected to retroactively incorporate these planning and mitigation measures.
- For new applications where there is new disturbance or potential to adversely affect the environmental and Indigenous values or interests, then the proponent must be prepared to implement the appropriate and relevant Measures.



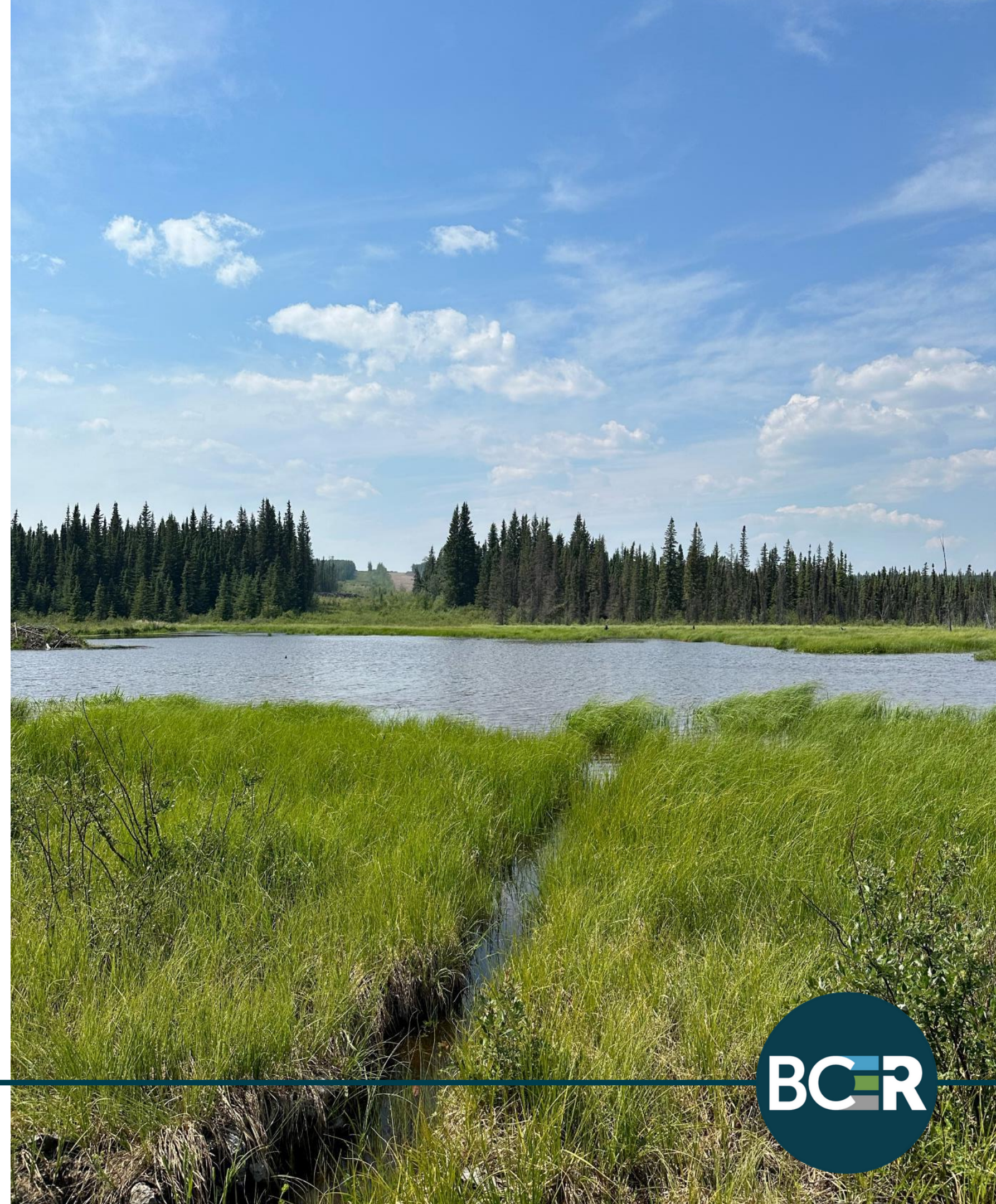
Adapting and/or updating the Measures document

- Minor updates (for example spelling, editorial or clarity corrections) to the document will result in issuing a new version.
- Major updates or revisions (if required) would be done through engagement between the BCER with industry, and Indigenous nations.
- If planning and mitigation measures are found to be impractical, through future engagement and experience, measures may be removed.



Deviating from the Measures

- These Measures may not be practical or applicable in every circumstance, in every area, or for every activity.
- If they are found to not be feasible or practical, it is expected that applicants will have discussed with Treaty 8 Nations and proposed alternatives or rationale during pre-engagement.
- As part of application, applicants **must** describe how they have considered the Measures, and where relevant, provide a rationale for why these measures were not applied, and reasonable alternative to mitigate effects.



Applying the Measures During Project Planning



- A qualified professional must complete an assessment of the project activities and determine the potential effects to environmental values and Indigenous values or interests.
- Use project maps, construction drawings, and reports to identify values and describe mitigation measures.
- The proponent must be prepared to address these effects and propose mitigation measures during pre-engagement.

Applying the Measures During Permitting

- BCER Guidance will be updated to include the planning and mitigation measures and other material that applicants must implement during the planning stage.
- Applications for permits and authorizations will not be progressed unless applicants have demonstrated incorporation of the measures, where applicable.
- Where planning and mitigation measures apply, approvals may contain application specific conditions.
- After the application is received, the BCER will consult and engage with First Nations regarding the implementation of the planning and mitigation measures.

Applying the Measures During Construction & Operations

- Monitor project activities regularly during peak activity periods and use adaptive management if negative effects are noted.
- Restoration of temporary workspaces and Riparian Management Areas must be completed within one growing season once no longer in use.
- A restoration plan must be submitted with the application.



In Summary

- The Measures are a way to implement consistent planning and construction requirements for energy resource operators working throughout Treaty 8 Territory to protect wildlife, the environment, Treaty Rights and Indigenous way of life.
- They are tangible, practical actions aimed at conserving the environment, safeguarding the practice of Treaty Rights, and enabling sustainable resource development. They are not intended to be exhaustive or final, and will be adapted collaboratively, as necessary, to meet future needs. Additional measures may be co-developed with specific First Nations.
- The Measures document is a living document that will be updated through engagement between the BCER, industry and Indigenous nations.



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Thank you!

Questions?

The slides from this presentation will be made available with the FAQ on our website.