
Oct. 7, 2021

- In a June 29, 2021 ruling, the B.C. Supreme Court declared that the Province breached the Treaty 8 rights of Blueberry River First Nations as a result of the cumulative impacts of natural resource development authorized by the Province over many years.
- The B.C. Supreme Court ruled that the Province may not continue to authorize activities that unjustifiably infringe on Blueberry River First Nations' Treaty 8 rights to fish, hunt and trap as a result of their cumulative impacts. The Court suspended its declaration for six months to give time for negotiations between the Province and Blueberry River First Nations to determine new processes that recognize and respect treaty rights. Those negotiations are now underway.
- The ruling found that current processes for taking cumulative effects into account in decision-making for provincial permit approvals are insufficient. It will therefore require the Province to change how resource activities in Blueberry River First Nations' and Treaty 8 territory are authorized, with meaningful consideration of cumulative impacts and treaty rights.
- The Province is working expeditiously to respond to the decision in collaboration with Blueberry River First Nations. Blueberry River First Nations and the Province reached an initial agreement on Oct. 7, 2021 that provides \$65 million to Blueberry River First Nations to support restoration work and activities that protect Blueberry River First Nations' cultural way of life. In turn the initial agreement addresses needs in the immediate term related to existing permits for projects that have not yet commenced.
- While the court decision did not apply to existing permits, projects that would create significant new disturbances within the claim area could further infringe treaty rights and be challenged by Blueberry River First Nations.
- Under the initial agreement, 195 forestry and oil and gas projects which were permitted or authorized prior to the court decision and where activities have not yet started will proceed. Twenty currently approved authorizations, for projects in areas of high cultural importance, will not proceed without further negotiation and agreement with Blueberry River First Nations. The Province has provided notification to the respective permit holders for the deferred projects.
- The next priority focus of the negotiations will be to develop an applications framework for new authorizations within the claim area that addresses cumulative effects and their impacts on Blueberry River First Nations treaty rights.
- In the meantime, Blueberry River First Nations and the Province continue to prioritize review of applications for decision based on emergency, environmental protection and public safety reasons.

- Meeting the full direction of the court will require the development of a robust and enduring cumulative impacts framework that can be integrated into provincial decision-making processes over the longer term. Existing cumulative effects data and processes will be foundational to the development of this framework. Trusted cumulative effects data gathered through the Regional Strategic Environmental Assessment project, a collaboration between the Treaty 8 Nations and the Province, as well as relevant data and processes developed through the Provincial Cumulative Effects program, will be utilized.
- The Province is developing an engagement plan, which may include opportunities such as cross sector information sessions for industry as the negotiations proceed. The Province will establish a cross-sector senior industry leaders table to exchange and test ideas and recommendations. More information on that will be available in the coming days.
- The Province will engage with other Treaty 8 First Nations in discussions to ensure they are part of the development of any new approach to authorizations in Treaty 8 territory. The Province is committed to building collaborative relationships with all Treaty 8 First Nations for the benefit of all people in British Columbia.
- The Province and Blueberry River First Nations will provide regular updates on the negotiations to industry, local governments and residents of the Northeast, and seek input as appropriate.

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