



Re: Wildlife Act - Indigenous Amendments, 2022

The Province has introduced legislative amendments to the *Wildlife Act* aimed toward reconciliation and greater collaboration with Indigenous peoples in wildlife stewardship in BC.

Since 2018, the BC Government has been seeking input on, co-developing, and implementing a new and improved wildlife stewardship and habitat conservation strategy for BC, the “Together for Wildlife Strategy“. The Together for Wildlife strategy was built collaboratively with the following groups:

- Indigenous peoples
- rural communities
- academic institutions
- a wide range of resource industry stakeholders
- conservation, hunter, trapper, guide, recreation, and tourism stakeholder organizations.

In late 2018, the “First Nations – BC Wildlife and Habitat Conservation Forum” (the “Forum”) was formed to provide First Nations’ perspectives on the Together for Wildlife Strategy and other wildlife related policy. The Forum and the BC Government co-drafted a proposal to amend the Wildlife Act to support reconciliation with First Nations.

The amendments to the Wildlife Act, introduced on March 9, 2022, by the Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development, are part of implementing Together for Wildlife and an early step to support reconciliation with Indigenous Peoples through legislation. Review of the Wildlife Act will continue and additional amendments, that improve outcomes for wildlife and continue advancing reconciliation goals, are anticipated.

You can view the amendments here: [Bill 14 – 2022: Wildlife Amendment Act, 2022](#)

New components of the legislation include:

- Definitions for “first nation”, “governing body”, “guest”, “host first nation” and “sheltering agreement”,
- Incorporation of Indigenous Knowledge in decision-making under the Wildlife Act, and protection and confidentiality of that Indigenous knowledge, and
- Establishing jurisdiction for the Province, through the Minister, to enter into agreements with First Nation governance structures regarding Protocol Hunting and Sheltering.

These amendments are enhanced by, and consistent with, a universal non-derogation clause recently introduced by government that applies to all provincial legislation. See https://www.bclaws.gov.bc.ca/civix/document/id/bills/billscurrent/2nd42nd_progress-of-bills_government

The amendments further support the Province's commitment to reviewing policies, programs, and legislation to bring the principles of the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration) – particularly Article 5¹ and Article 32² - into action in British Columbia, consistent with BC's [Declaration on the Rights of Indigenous Peoples Act](#).

THE AMENDMENTS

Incorporation of Indigenous Knowledge in decision-making

The amendments will recognize the importance, distinctiveness, and value of Indigenous knowledge by specifying the requirement to consider Indigenous knowledge in the decision-making process by specific decision makers in the most effective way. The amendments also provide a framework for protecting the confidentiality of that knowledge.

Drafting of the Indigenous Knowledge policy is active and ongoing. The policy provides the operational framework to help build respectful engagement between decision makers under the *Wildlife Act*, representatives of governing entities, and First Nation's Knowledge Keepers, to enable relationships that support common interests. The policy recognizes Indigenous Knowledge is an important source of information for decisions about wildlife and wildlife habitat stewardship and is distinct from knowledge produced by other knowledge systems, such as scientific knowledge produced by Western Science.

The policy and the amendments will require that decision makers must consider all Indigenous Knowledge that is relevant to the decision and provided to the decision-maker. Policy will confirm continued ownership of Indigenous knowledge by the contributing First Nation, and address consent to use the Indigenous Knowledge. The amendments address confidentiality and protection of the Indigenous knowledge while it's being used, such as being used only for the purpose for which it was provided and prescribing conditions under which the information may be disclosed, for example, with written consent of the governing First Nation, or for court purposes, or where the Indigenous knowledge is public information.

Protocol Hunting or Sheltering Agreements

Protocol hunting or sheltering is when a host First Nation government structure (Host) has a traditional practice of permitting an Indigenous individual or individuals (Guest) to harvest wildlife within the Host Nation's treaty harvesting area or traditional territory. Some First Nations in BC practise protocol hunting or sheltering as an asserted or established Aboriginal or treaty right.

The amendments establish jurisdiction for the Province, through the Minister, to enter into agreements with First Nation governing entities regarding protocol hunting or sheltering. This

¹ "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,"

² "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources"

change will broaden opportunities for collaborative management, will clarify the legal standing of some hunting practices and also contribute towards reconciliation with Indigenous peoples since it recognizes traditional practices. Recognition of protocol hunting or sheltering will provide an improved ability to enforce the Host First Nations' preferences regarding the conduct of First Nation Guest hunters.

Administrative policy on protocol hunting or sheltering agreements is also being drafted to provide guidance on the development of these agreements between the Minister and First Nation governing entities. The draft policy is anticipated to provide direction on items such as identifying the type of agreement (e.g. harvest agreement or no harvest agreement) and if a harvest agreement is to be developed, requiring certain conditions be met, identifying the role of parties to the agreement such as the Host First Nation and Guest First Nation, defining the area the agreement covers, obtaining permission and requirements for carrying documentation (if any), reporting requirements after the hunt (if any), exempting from prohibitions or requirements under the Wildlife Act, and any compliance and enforcement aspects that may be unique to the agreement. The policy is also expected to address implementation of agreements, including requirements on consultation and approval of agreements and enforcement options.