

FACTSHEET: CHANGES TO THE WILDFIRE ACT RELATED TO CULTURAL & PRESCRIBED FIRE

Recently announced changes to the Wildfire Act will enable the BC Wildfire Service to assist First Nations and other partners with cultural and prescribed fire projects when requested.

While BCWS already works with a range of partners to expand the use of prescribed fire, there has not been a clear authority to do this. These changes will enable BCWS to participate as a collaborative partner on burn projects.

This is the result of consultation and engagement with all First Nations in B.C. last spring. BCWS engaged with Nations one-on-one through in-person sessions coordinated by the First Nations Forestry Council and conducted formal consultation with rights and title holders. We're hopeful the changes will help to provide clarity and ensure we're working together with our partners in a positive way.

CONSULTATION SO FAR

BCWS launched formal consultation in February 2023, sending a consultation package to all First Nations in the Province. This was supported with engagement opportunities facilitated by the First Nations Forestry Council (FNFC) in spring 2023 in Campbell River, Williams Lake and Prince George. The BCWS provided an in-person report on what we heard at the FNFC forum in Kamloops in fall 2023.

In addition, feedback is received, evaluated and incorporated through direct operational partnerships with Nations where they exist. The information and lessons learned through frontline experience and partnerships are crucial to the direction and growth of the program.

Moving forward, our engagement on these topics will continue. BCWS is committed to meeting Nations where they are on a range of wildfire-related issues – C&Rx Fire, but also comprehensively around all four pillars of emergency management – Prevention, Preparedness, Response and Recovery.

The Ministry of Forests is working to establish a collaborative governance approach with First Nations, where potential solutions to policy issues can be explored. Co-developing that governance structure with First Nations is a priority for the Ministry.

WHAT DOES THIS ACTUALLY MEAN?

The amendments will enable BCWS to assist with cultural and prescribed fire, both on and off provincial Crown land. This means BCWS can support First Nations burning on projects taking place on other lands where no other legal prohibitions are in place.

Under the current Wildfire Act there is no clear authority for government to assist with fires. These changes are enabling and will allow for future updates to the policy framework around cultural and prescribed fire.

The proposed legislation is the first part of initial policy changes that comprise a comprehensive cultural and prescribed fire policy modernization strategy. The overall policy modernization strategy proposes to shift to a model in which First Nations and the Ministry are active co-managers of a partnership-based cultural and prescribed fire program.

WHY IS THIS HAPPENING NOW?

To facilitate an expanded use of fire on the land base, some First Nations have requested that government staff assist with their use of fire, such as by building fire guard, helping with ignitions, maintaining water delivery systems, and attending burns to observe, learn and build trust for future partnerships.

The Province is committed to co-developing the policy and program framework for cultural and prescribed burning with First Nations and this change reflects months of engagement and formal consultation that took place in the fall-spring of 2022-23.

HOW IS THIS GOING TO HELP?

Historical barriers to cultural and prescribed fire include an imbalance of power in terms of who leads and controls burning in B.C. The amendments create new opportunities for partnerships between Government and knowledge holders of various kinds on cultural and prescribed fires. If the Government can assist with fire, there will be more opportunities

for co-learning and co-development of future projects and policy changes.

Although more work needs to be done, these amendments are an initial step towards a cultural and prescribed fire policy modernization strategy that will address barriers to use of fire more extensively in the future.

HOW DO THE AMENDMENTS ALIGN WITH THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT ?

Section 3 of the Declaration Act commits the Province, in consultation and cooperation with Indigenous Peoples in B.C., to align the laws of British Columbia with the UN Declaration.

For example, article 31(1) of the UN Declaration states that “Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, Traditional Knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies, and cultures.”; all of which may align with Indigenous peoples’ use of fire.

WHAT ARE THE ANTICIPATED ECONOMIC IMPACTS OF THE AMENDMENTS TO INDIGENOUS NATIONS?

As the amendments enable government to assist another party with fire, impacts will predominantly be experienced by government. However, enabling government to assist with fires may allow First Nations to lead and conduct burns, with the support of trained ministry staff, which may not be possible without such assistance due to internal capacity and resource constraints.

WHAT ARE THE ANTICIPATED ECONOMIC IMPACTS OF THIS LEGISLATION TO INDUSTRY?

Enabling government to assist with fires when requested may allow industry partners to lead and carry out prescribed fire, with the support of trained ministry staff, which may not be possible without such assistance due to internal capacity and resource constraints.