

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

The Province is amending the Wildfire Regulation to remove barriers to First Nations' use of good fire on the landscape.

Indigenous governing bodies will have the option to enter into agreements with the Province under section 60 of the *Wildfire Act* relating to open fire, rather than submitting and obtaining an official's approval for a burn plan.

These changes work in concert with recent changes to the *Wildfire Act* that enable the BC Wildfire Service to assist First Nations and other partners with burning projects when requested.

This shift to a partnership-based framework will help to remove existing barriers to Indigenous uses of fire, in alignment with the *Declaration on the Rights of Indigenous Peoples Act*.

### SHIFT TO PARTNERSHIP-BASED AGREEMENTS

These agreements are intended to be long-term, multi-year arrangements that describe how parties to the agreement will work in partnership on open fire. They will broadly define roles, expectations, and processes. Agreements will have the potential to encompass multiple burn projects and will stipulate core principles and fundamentals while allowing flexibility for individual burn projects planned and implemented under the agreement.

Processes for operational needs will be described in the agreements, such as procedures for tracking open fires, communications processes, parameters for managing fires, and for ensuring public safety.

Agreements will be between the provincial government and an Indigenous governing body. Agreements cannot be with an individual person. The Indigenous governing body that is party to the agreement may not necessarily be the party conducting the burn activity. For example, burning may be conducted by a stewardship group or a forestry group under their authority.

- may be developed through a negotiation process between the parties involved.
- will allow for increased flexibility
- will ensure both parties' priorities and objectives are reflected
- will create flexibility to centre Traditional Knowledge during burns
- will allow Indigenous Knowledge and western science to work together

## **WHAT DOES THIS ACTUALLY MEAN?**

The Regulation change defines an alternative process that allows for a more flexible and collaborative approach by providing an alternative to the current approvals-based burn planning process.

Indigenous governing bodies will be able to enter into agreements with the Province that broadly define roles, expectations, and processes related to open burning, rather than submitting an individual burn plan for approval on a project-by-project basis.

In addition, the Regulation change adds “a purpose identified by Indigenous Peoples” to the list of defined uses of a category 4 resource management open fire.

## **HOW WILL THE AGREEMENTS WORK?**

Agreements will be between the provincial government and an Indigenous governing body. The Indigenous governing body may not necessarily be the party conducting the burn activity. For example, burning may be conducted by a stewardship or forestry group under their authority.

These agreements are intended to be long-term, multi-year arrangements that describe how parties to the agreement will work in partnership on open fire and will broadly define roles, expectations, and processes.

Agreements will have the potential to encompass multiple burn projects, outlining core principles and fundamentals while allowing flexibility for individual burn projects planned and implemented under the agreement.

## **WHY IS THIS HAPPENING NOW?**

The BC Wildfire Service launched formal consultation with all First Nations in the province in February 2023. A formal consultation package 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 BC Wildfire Service provided an in-person report on what we heard during those engagement sessions and through formal consultation at the 2023 fall FNFC forum in Kamloops.

In general, First Nations were supportive of the Province’s proposed policy amendments. [A written What We Heard Report is available here.](#)

This shift to a partnership-based framework will help to remove existing barriers to Indigenous uses of fire, in alignment with the *Declaration on the Rights of Indigenous Peoples Act*.

## **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., with the existing regulatory framework granting First Nations “approval” to exercise their cultural practices. These amendments create new opportunities for partnerships between Government and knowledge holders of various kinds on cultural and prescribed fires.

Together with recent changes to the *Wildfire Act*, these regulation changes allow an incremental shift to a more partnership-based model rather than a permissions-based model.