

---

## NEWS RELEASE

For Immediate Release  
2021IRR0063-001940  
Oct. 7, 2021

Blueberry River First Nations  
Ministry of Indigenous Relations and Reconciliation

### **B.C., Blueberry River First Nations reach agreement on existing permits, restoration funding**

VANCOUVER– Today, Blueberry River First Nations and the Province have reached an initial agreement that begins to support healing the land, and helps provide stability and certainty for forestry and oil and gas permit holders in Blueberry's traditional territory in the immediate term.

The agreement follows the historic June 29, 2021, B.C. Supreme Court ruling in Blueberry River First Nations (Yahey) v. Province of British Columbia, which determined the Treaty 8 rights of the Blueberry River First Nations have been breached by development authorized by the provincial government over many years.

The initial agreement is a first step in responding to the B.C. Supreme Court's decision, which requires the Province and Blueberry to work together to develop land management processes in Blueberry territory that restore and protect the ability of the land to support Indigenous ways of life, and ensure future development authorizations manage cumulative effects on land and wildlife and their impact on the Nation's treaty rights.

Under the agreement, the Province will establish a \$35-million fund for Blueberry to undertake activities to heal the land, creating jobs for Nation members and business for service providers in the northeast region. Activities will include:

- land, road and seismic restoration;
- river, stream, and wetland restoration;
- habitat connectivity;
- native seed and nursery projects; and
- training for restoration activities.

In addition, \$30 million will be allocated to support the Blueberry River First Nations in protecting their Indigenous way of life. Activities will include:

- work on cultural areas, traplines, cabins and trails;
- educational activities and materials, including teaching traditional skills and language;
- expanding Blueberry River resources and capacity for land management; and
- restoring the health of wildlife through wildlife management, habitat enhancement including prescribed burning, and research.

As part of the 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, which relate to development activities in areas of high cultural importance, will not proceed without further negotiation and agreement from Blueberry. The Province has provided notification to the respective permit holders.

The Province and Blueberry are now working to finalize an interim approach for reviewing new natural resource activities that balance Treaty 8 rights, the economy and the environment.

Once an interim approach is in place, the negotiation teams will work to reach long-term solutions that protect Treaty 8 rights and an Indigenous way of life. They will explore establishing areas for protection and developing ecosystem-based management systems to incorporate cumulative impacts into decision-making. The solutions will work to reset the balance promised in Treaty 8, ensuring environmental sustainability, protection of Treaty 8 rights and Indigenous culture, and stable economic activity and employment.

The Province is starting dialogue with the other Treaty 8 Nations on matters of treaty rights, including advancing new environmental restoration work across Treaty 8 territory and ensuring all Treaty 8 Nations are part of the development of a new approach to how natural resource activity is planned and authorized in the territory.

The Province and Blueberry will provide regular updates to, and seek input from, Blueberry members, industry, local governments and residents of the Northeast as negotiations proceed.

#### **Quotes:**

##### **Chief Marvin Yahey, Blueberry River First Nation**

"Blueberry people have been raising the alarm bells for years about the increasing destruction of our territory and our way of life. The court has issued a ruling in the strongest terms that puts an end to the government approval practices that have led us here. It has been a long battle and total vindication of Blueberry's position. But now, with this ruling, we finally see government taking the historic importance of this moment seriously. We are pleased to sit here with government today to announce a good faith first step in the journey to begin to heal the land, while supporting stability in our region. There is a lot more work to do. In the end, upholding the promises of Treaty 8 will be for the benefit of us all."

##### **Murray Rankin, Minister Indigenous Relations and Reconciliation**

"Our government is committed to upholding our obligations under Treaty 8 and to advancing lasting reconciliation with Blueberry River First Nations and all the B.C. Treaty 8 First Nations. This agreement is an excellent first step toward balancing Blueberry's treaty rights, environmental impacts and industry's need for stability and certainty. It sets us on the road toward a future where Blueberry River First Nations members can fully exercise their Treaty 8 rights and everyone in the region can reap the rewards of good, family-supporting jobs."

## **Bruce Ralston, Minister Energy, Mines and Low Carbon Innovation**

"We are clear that growing B.C.'s sustainable resource sector can only happen together with meaningful reconciliation efforts. Through this agreement, we are taking the first steps with Blueberry River First Nations on our path together. Our work going forward with Blueberry and all Treaty 8 Nations will support local communities, help restore the environment and provide clarity to industry."

## **Katrine Conroy, Minister Forests, Lands, Natural Resources and Rural Development**

"This agreement is an important step toward reconciliation, and we will continue to work with the Blueberry River First Nations, Treaty 8 Nations and all B.C. First Nations to build a prosperous and environmentally sustainable future together for everyone."

### **Quick Facts:**

- The Treaty 8 Nations in B.C. are: Blueberry River, Doig River, Fort Nelson, Halfway River, McLeod Lake, Prophet River, Saulteau and West Moberly First Nations. Blueberry River entered into the treaty in 1900.
- The Province is reimbursing Blueberry's legal costs and disbursements.
- Lorne Brownsey has been appointed as the Province's lead negotiator and Bob Chamberlin as a special adviser to support the involvement of other Treaty 8 Nations, local governments and industry. Ratcliff LLP, as legal counsel, is assisting Blueberry River First Nations in the negotiations.

### **Learn More:**

Link to joint statement from Rankin and Chief Yahey: <https://news.gov.bc.ca/25437>

Link to B.C. Supreme Court decision:  
<https://www.bccourts.ca/jdb-txt/sc/21/12/2021BCSC1287.htm>

Link to Treaty 8 information:  
<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/treaty-8-first-nations>

*A backgrounder and fact sheet follow.*

### **Contact:**

Holly Tally  
Ministry of Indigenous Relations and Reconciliation  
250 818-3081

Amanda Munro  
Blueberry River First Nations  
604 360-3994

---

## BACKGROUND

### **B.C. Supreme Court Decision: Blueberry River First Nations**

- Treaty 8, which guarantees rights to a number of First Nations to maintain their Indigenous way of life, was signed and adhered to by ancestors of Blueberry River First Nations and the Government of Canada in 1900.
- The provincial government approves and permits projects in Treaty 8 areas. The cumulative effects of those approvals have infringed Blueberry's treaty rights, and diminished Blueberry's Indigenous way of life.
- Blueberry's core territory lies within an intensively harvested portion of the Fort St. John Timber Supply Area, overlies the North Montney Gas Play, and has been extensively cleared for agriculture. Other developments, including roads and hydroelectric infrastructure also overlay the area.
- According to the B.C. Supreme Court ruling, "By 2016, 73% of the Blueberry Claim Area was within 250 metres of an industrial disturbance. By 2018, disturbance had increased such that 85% of the Blueberry Claim Area was within 250 metres of an industrial disturbance."
- On March 3, 2015, Blueberry River First Nations filed a notice of civil claim in the B.C. Supreme Court alleging a breach of treaty rights based upon the cumulative impacts of development in their traditional territories. It is the first claim of its kind to go to trial in Canada.
- In 2018, the Province and Blueberry engaged in negotiations to seek an out-of-court solution to address the cumulative impact from industrial development in Blueberry's territory. Ultimately, these discussions were not successful in reaching an agreement.
- On May 27, 2019, the Blueberry River First Nations v. Province of B.C. court case began.
- On June 29, 2021, after full trial, the Supreme Court of British Columbia rendered its decision in *Yahey v. British Columbia*, ruling that developments authorized by the Province have significantly diminished the ability of Blueberry members to exercise their rights to hunt, fish and trap in their territory as part of their Indigenous way of life, and therefore, constitute an infringement of their treaty rights.
- The court also ruled that the Province's existing regulatory processes fail to meet its treaty obligations, and that these processes have contributed to the breach of Blueberry treaty rights.
  - The court directed that the Province may no longer authorize developments that infringe Blueberry's treaty rights.

- The court directed that the Province must work with Blueberry to establish land management processes that enable Blueberry to meaningfully continue an Indigenous way of life, centred on hunting, trapping and fishing, which is reliant upon a healthy environment. Future development will be pursuant to land management that protects treaty rights.
- The B.C. Supreme Court gave the Province and Blueberry six months to work together to improve provincial land management and permitting processes to recognize and respect Blueberry's treaty rights.
- The ruling is the first of its kind in Canada.
- On July 28, 2021, the Province announced it would not appeal the court's ruling and the judgement and order stands.
- On Oct. 1, 2021, the Province and Blueberry released a joint statement on negotiations related to the B.C. Supreme Court decision:  
<https://news.gov.bc.ca/releases/2021IRR0061-001879>

**Contacts:**

Holly Tally  
Ministry of Indigenous Relations and Reconciliation  
250 818-3081

Amanda Munro  
Blueberry River First Nations  
604 360-3994

---

## FACTSHEET

### **Initial Agreement between Blueberry River First Nations and the Province of B.C.**

On June 29, 2021 the B.C. Supreme Court issued a historic ruling in Blueberry River First Nations (Yahey) v. Province of British Columbia, determining the Treaty 8 rights of the Blueberry River First Nations have been breached by development authorized by the provincial government over many years.

On Oct. 7, 2021 Blueberry River First Nations and the Province reached an initial agreement that begins to support healing the land, and helps provide stability and certainty for forestry and oil and gas permit holders in Blueberry's traditional territory in the immediate term.

The initial agreement is a first step in responding to the B.C. Supreme Court's decision.

The purpose of this initial agreement is to make investments in healing the land, cultural renewal, wildlife management and land protection while finding a way forward for projects that were already permitted or authorized prior to the court decision, and where activities have not yet started.

Interim and long-term approaches for authorizations and land management are still being negotiated and the Province and Blueberry will continue to provide joint updates as the discussions progress.

There are several components to the initial agreement:

#### **Healing the Land**

- To support healing the land, a \$35-million fund has been established for programs and projects such as:
  - land, road and seismic restoration;
  - river, stream and wetland restoration;
  - habitat connectivity;
  - native seed and nursery projects; and
  - training for restoration activities.
- The Blueberry River First Nations government will establish its own decision-making structure with respect to the utilization of the restoration funds, priorities for restoration and for methodology and allocation of funding. The Province will participate in this structure, in a non-decision making role, to ensure that region-wide restoration activities are co-ordinated.
- Should the Province establish a Treaty 8 structure for restoration or healing the land, Blueberry will name a representative to it.

### **Protecting Blueberry's Cultural Way of Life**

- To support Blueberry's cultural way of life, a \$10-million fund has been established for projects and programs such as:
  - rebuilding and renewing trapline and hunting cabins;
  - restoring cultural areas in the area of Pink Mountain;
  - building trails;
  - developing educational materials; and
  - teaching of traditional skills and language advisors.
- These cultural renewal programs will create jobs for Blueberry youth and Elders, as well as others living and working in Treaty 8 territory.

### **Developing Knowledge Tools for Land Management**

- To support capacity development, a \$10-million fund has been established for projects and programs, such as:
  - hiring new staff for the Blueberry Lands Department;
  - implementing data management and eco-based mapping systems;
  - training for staff and membership;
  - communicating and educating with the public and proponents; and
  - hiring consultants.

### **Restoring the Health of Wildlife**

- To support Blueberry's involvement in wildlife management in the region, a \$10-million fund has been established for projects and programs, such as:
  - predator control;
  - moose and fur-bearer studies;
  - habitat enhancement;
  - prescribed burns and land adaptation;
  - caribou recovery partnerships with the Province; and
  - restrictions on the use of herbicides.
- Additionally, the Province will work with Blueberry River First Nations and other Treaty 8 Nations on updating moose hunting regulations intended to restore healthy moose populations.

As part of the 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, which relate to development activities in areas of high cultural importance, will not proceed without further negotiation and agreement from Blueberry River First Nations.

Blueberry and British Columbia recognize that communication is important to strengthening community relations and ensuring business stability and have agreed to develop joint communications and engagement processes.

**Contacts:**

Holly Tally  
Ministry of Indigenous Relations and Reconciliation  
250 818-3081

Amanda Munro  
Blueberry River First Nations  
604 360-3994

Connect with the Province of B.C. at: <http://news.gov.bc.ca/connect>