

From: Salter, Shannon PREM:EX(Shannon.Salter@gov.bc.ca)
To: Caul, Doug D PREM:EX (Doug.Caul@gov.bc.ca); Sali, Meghan PREM:EX (Meghan.Sali@gov.bc.ca)
To: Engelbrecht, Maya PREM:EX (Maya.Engelbrecht@gov.bc.ca); Bain, Don PREM:EX (Don.Bain@gov.bc.ca)
Subject: RE: FYI: Notice of initiation of Issues Resolution on Petronas applications
Sent: 12/16/2023 21:59:43

Thanks Doug.

From: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>
Sent: Friday, December 15, 2023 6:09 PM
To: Salter, Shannon PREM:EX <Shannon.Salter@gov.bc.ca>; Sali, Meghan PREM:EX <Meghan.Sali@gov.bc.ca>
Cc: Engelbrecht, Maya PREM:EX <Maya.Engelbrecht@gov.bc.ca>; Bain, Don PREM:EX <Don.Bain@gov.bc.ca>
Subject: FW: FYI: Notice of initiation of Issues Resolution on Petronas applications

FYI on this. I talked to a Petronas rep today. s. 13
s. 13

From: Carr, Michelle <Michelle.Carr@bc-er.ca>
Sent: Friday, December 15, 2023 8:45 AM
To: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Subject: Re: FYI: Notice of initiation of Issues Resolution on Petronas applications

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

s. 13, s. 16

Get [Outlook for iOS](#)

From: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>
Sent: Friday, December 15, 2023 8:02:36 AM
To: Carr, Michelle <Michelle.Carr@bc-er.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Subject: Re: FYI: Notice of initiation of Issues Resolution on Petronas applications

Thanks Michelle.

What do you anticipate will be the reactions from Blueberry and Petronas to the issue's resolution initiation?

From: Carr, Michelle <Michelle.Carr@bc-er.ca>

Sent: Thursday, December 14, 2023 8:56:02 PM

To: Caul, Doug D ABR:EX (Doug.Caul@gov.bc.ca) <doug.caul@gov.bc.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Nathaniel MEM:EX Amann-Blake <Nathaniel.Amann-Blake@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>

Subject: FYI: Notice of initiation of Issues Resolution on Petronas applications

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Doug,
s. 13, s. 16, s. 17

Michelle

From: Engelbrecht, Maya PREM:EX(Maya.Engelbrecht@gov.bc.ca)
To: Amann-Blake, Nathaniel EMLI:EX (Nathaniel.Amann-Blake@gov.bc.ca); Baskerville, Shannon EMLI:EX (Shannon.Baskerville@gov.bc.ca)
To: Marquis, Yvette PREM:EX (Yvette.Marquis@gov.bc.ca)
Subject: FW: 119776 PDE and EMLI Meeting with PECL BN November 17 2023.docx
Sent: 11/16/2023 19:56:16
s. 13
Attachments:

Hi there, Nate and Shannon.

s. 13

Thanks,
-M

From: Caul, Doug D PREM:EX
Sent: Thursday, November 16, 2023 10:24 AM
To: Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Cc: Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>; Marquis, Yvette PREM:EX <Yvette.Marquis@gov.bc.ca>
Subject: 119776 PDE and EMLI Meeting with PECL BN November 17 2023.docx
Importance: High

Hi Nate – s. 13

s. 13

Thanks
DC

From: Caul, Doug D PREM:EX(Doug.Caul@gov.bc.ca)
To: Robb, Peter (peter.Robb@bc-er.ca); Carr, Michelle (Michelle.Carr@bc-er.ca); Amann-Blake, Nathaniel EMLI:EX (Nathaniel.Amann-Blake@gov.bc.ca); Baskerville, Shannon EMLI:EX (Shannon.Baskerville@gov.bc.ca)
Subject: Re: FYI: Notice of initiation of Issues Resolution on Petronas applications
Sent: 12/18/2023 18:36:00

Thanks Peter. Seems like **s. 13**

Appreciate the update.

From: Robb, Peter <Peter.Robb@bc-er.ca>
Sent: Monday, December 18, 2023 10:05:35 AM
To: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>; Carr, Michelle <Michelle.Carr@bc-er.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Subject: RE: FYI: Notice of initiation of Issues Resolution on Petronas applications

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Just to follow up on where this is all at.

s. 13, s. 16

I just wanted to temper the expectations of our meeting and where PCEL is currently at. If we are able to piggyback on the C&C meeting tomorrow, I will send an update otherwise these will not be picked back up until BRFN's offices open back up in 2 weeks.

Cheers,



Peter Robb Executive Vice President, Resource Management & Stewardship Peter.Robb@bc-er.ca	Victoria Office Address Directory BCER Web Site	T. 250 419-4405 F. 250 419-4403 s. 17
--	---	--

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships to the land and water, which the British Columbia Energy Regulator and Inuit people living across B.C.

This email and any attachments are intended only for the named recipient and may contain confidential and/or privileged material. Any unauthorized copying, dissemination or other use by a person other than the named recipient of this email, please notify the sender and destroy all copies of this email immediately.

From: Carr, Michelle <Michelle.Carr@bc-er.ca>
Sent: Friday, December 15, 2023 8:45 AM
To: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Subject: Re: FYI: Notice of initiation of Issues Resolution on Petronas applications

s. 13, s. 16

Get [Outlook for iOS](#)

From: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>
Sent: Friday, December 15, 2023 8:02:36 AM
To: Carr, Michelle <Michelle.Carr@bc-er.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>
Subject: Re: FYI: Notice of initiation of Issues Resolution on Petronas applications

Thanks Michelle.

What do you anticipate will be the reactions from Blueberry and Petronas to the issue's resolution initiation?

From: Carr, Michelle <Michelle.Carr@bc-er.ca>
Sent: Thursday, December 14, 2023 8:56:02 PM

To: Caul, Doug D ABR:EX (Doug.Caul@gov.bc.ca) <doug.caul@gov.bc.ca>; Shannon Baskerville <shannon.baskerville@gov.bc.ca>; Nathaniel MEM:EX Amann-Blake <Nathaniel.Amann-Blake@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>
Subject: FYI: Notice of initiation of Issues Resolution on Petronas applications

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Doug,
S. 13, s. 16, s. 17

Michelle

From: Caul, Doug D PREM:EX(Doug.Caul@gov.bc.ca)
To: Halls, Lori D WLRS:EX (Lori.D.Halls@gov.bc.ca)
To: Marquis, Yvette PREM:EX (Yvette.Marquis@gov.bc.ca); Prince, Jessica PREM:EX (Jessica.Prince@gov.bc.ca)
Subject: FW: RUSH REVIEW I PDE MATERIALS tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today
Sent: 11/20/2023 20:03:55
Attachments: 231120_Tech Briefing_BRFN and Treaty 8_for Nov 21.pptx

Hi Lori – when PDE met with Chief Paquette as FNLG ^{s. 13}
s. 13 That should be added in to the mix as well.

Yvette – once this comes back with that piece added, this is good to go.
Thanks
DC

From: Marquis, Yvette PREM:EX <Yvette.Marquis@gov.bc.ca>
Sent: Monday, November 20, 2023 9:19 AM
To: Caul, Doug D PREM:EX <Doug.Caul@gov.bc.ca>
Cc: Salter, Shannon PREM:EX <Shannon.Salter@gov.bc.ca>; Prince, Jessica PREM:EX <Jessica.Prince@gov.bc.ca>
Subject: RUSH REVIEW I PDE MATERIALS tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today
Importance: High

Another one for a rush review.
Thank you!

From: Blackstock, Sara WLRS:EX <Sara.Blackstock@gov.bc.ca>
Sent: Monday, November 20, 2023 9:16 AM
To: Marquis, Yvette PREM:EX <Yvette.Marquis@gov.bc.ca>
Subject: FW: tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today
Importance: High

Good morning Yvette,
As per Lori's email below sending these docs up for Shannon's approval before they can go to the MO/PDE office for meetings happening today and tomorrow regarding Blueberry River First Nation. I apologize about the rush they were only received this morning.

Cheers,

Sara Blackstock
Executive Coordinator
Ministry of Water, Land and Resource Stewardship
Phone: (778) 974-5507

From: Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>
Sent: Monday, November 20, 2023 9:14 AM
To: Blackstock, Sara WLRS:EX <Sara.Blackstock@gov.bc.ca>
Cc: Jones, Angela M WLRS:EX <Angela.M.Jones@gov.bc.ca>
Subject: RE: tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today

Approved. They need to go to Yvette first before going to PO/MO. Shannon has to sign off before going to MO/PDE office.

From: Blackstock, Sara WLRS:EX <Sara.Blackstock@gov.bc.ca>
Sent: Monday, November 20, 2023 9:12 AM
To: Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>
Cc: Jones, Angela M WLRS:EX <Angela.M.Jones@gov.bc.ca>
Subject: FW: tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today
Importance: High

Good morning Lori,
Can I please get your rush review and approval on the attached ppt. This is for the BRFN meetings happening today and tomorrow. I need to get this up to the PO and MO asap. Once approved please send back to Sara Blackstock. Thanks.

Cheers,

Sara Blackstock
Executive Coordinator
Ministry of Water, Land and Resource Stewardship
Phone: (778) 974-5507

From: Kennah, Morgan WLRS:EX <Morgan.Kennah@gov.bc.ca>
Sent: Monday, November 20, 2023 9:10 AM
To: Blackstock, Sara WLRS:EX <Sara.Blackstock@gov.bc.ca>
Cc: Jones, Angela M WLRS:EX <Angela.M.Jones@gov.bc.ca>
Subject: tech slides for PDE briefing Tues Nov 21 and 2:30pm MNC briefing today

From: Kennah, Morgan WLRS:EX
Sent: Monday, November 20, 2023 7:35 AM
To: McCarthy, Tom IRR:EX <Tom.McCarthy@gov.bc.ca>; Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>; Jardine, Kevin ENV:EX <Kevin.Jardine@gov.bc.ca>; O'Donoghue, Eamon G FOR:EX <Eamon.ODonoghue@gov.bc.ca>; Carr, Michelle <Michelle.Carr@bc-er.ca>; Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>
Cc: Charania, Al-Nashir WLRS:EX <Al-Nashir.Charania@gov.bc.ca>; Meyer, Brianna AG:EX <Brianna.Meyer@gov.bc.ca>; Purnell, Richard IRR:EX <Richard.Purnell@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>; Coley, Simon J EMLI:EX <Simon.Coley@gov.bc.ca>; Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>; Hykaway, Mike R FOR:EX <Mike.Hykaway@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Kamper, Carolyn IRR:EX <Carolyn.Kamper@gov.bc.ca>; Muter, David WLRS:EX <David.Muter@gov.bc.ca>
Subject: PDE tech briefing slides for Tues Nov 21

Thank you, Tom.

Final draft attached, now with agenda slide and formatting tweaks.

Cheers,
Morgan

From: McCarthy, Tom IRR:EX <Tom.McCarthy@gov.bc.ca>
Sent: Sunday, November 19, 2023 11:29 PM
To: Kennah, Morgan WLRS:EX <Morgan.Kennah@gov.bc.ca>; Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>;

Jardine, Kevin ENV:EX <Kevin.Jardine@gov.bc.ca>; O'Donoghue, Eamon G FOR:EX <Eamon.ODonoghue@gov.bc.ca>; Carr, Michelle <Michelle.Carr@bc-er.ca>; Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>
Cc: Charania, Al-Nashir WLRS:EX <Al-Nashir.Charania@gov.bc.ca>; Meyer, Brianna AG:EX <Brianna.Meyer@gov.bc.ca>; Purnell, Richard IRR:EX <Richard.Purnell@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>; Coley, Simon J EMLI:EX <Simon.Coley@gov.bc.ca>; Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>; Hykaway, Mike R FOR:EX <Mike.Hykaway@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Kamper, Carolyn IRR:EX <Carolyn.Kamper@gov.bc.ca>; Muter, David WLRS:EX <David.Muter@gov.bc.ca>
Subject: RE: for DM review/comment: PDE tech briefing slides for Tues Nov 21

My changes attached.

One key point I added that I wanted to flag for folks: ^{s. 13}
s. 13

Tom

From: Kennah, Morgan WLRS:EX <Morgan.Kennah@gov.bc.ca>
Sent: November 17, 2023 8:09 AM
To: Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>; McCarthy, Tom IRR:EX <Tom.McCarthy@gov.bc.ca>; Jardine, Kevin ENV:EX <Kevin.Jardine@gov.bc.ca>; O'Donoghue, Eamon G FOR:EX <Eamon.ODonoghue@gov.bc.ca>; Carr, Michelle <Michelle.Carr@bc-er.ca>; Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>
Cc: Charania, Al-Nashir WLRS:EX <Al-Nashir.Charania@gov.bc.ca>; Meyer, Brianna AG:EX <Brianna.Meyer@gov.bc.ca>; Purnell, Richard IRR:EX <Richard.Purnell@gov.bc.ca>; Amann-Blake, Nathaniel EMLI:EX <Nathaniel.Amann-Blake@gov.bc.ca>; Coley, Simon J EMLI:EX <Simon.Coley@gov.bc.ca>; Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>; Hykaway, Mike R FOR:EX <Mike.Hykaway@gov.bc.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Kamper, Carolyn IRR:EX <Carolyn.Kamper@gov.bc.ca>; Muter, David WLRS:EX <David.Muter@gov.bc.ca>
Subject: for DM review/comment: PDE tech briefing slides for Tues Nov 21

Good morning Deputies and Commissioner,

Attached are the tech briefing slides following our Tues discussion. ADMs and EDs had yesterday afternoon and evening to comment, and what was received was incorporated.

We should submit this to the PO Monday morning, so feedback today and over the weekend works.

Thank you.
Morgan

From: Kennah, Morgan WLRS:EX
Sent: Monday, November 13, 2023 8:34 PM
To: Halls, Lori D WLRS:EX <Lori.D.Halls@gov.bc.ca>; Muter, David WLRS:EX <David.Muter@gov.bc.ca>; Tom IRR:EX McCarthy <Tom.McCarthy@gov.bc.ca> <Tom.McCarthy@gov.bc.ca>; Kamper, Carolyn IRR:EX <Carolyn.Kamper@gov.bc.ca>; Purnell, Richard IRR:EX <Richard.Purnell@gov.bc.ca>; Jardine, Kevin ENV:EX <Kevin.Jardine@gov.bc.ca>; Nash, Laurel ENV:EX <Laurel.Nash@gov.bc.ca>; O'Donoghue, Eamon G FOR:EX <Eamon.ODonoghue@gov.bc.ca>; Hykaway, Mike R FLNR:EX <Mike.Hykaway@gov.bc.ca>; 'Carr, Michelle' <Michelle.Carr@bc-er.ca>; Robb, Peter <Peter.Robb@bc-er.ca>; Baskerville, Shannon EMLI:EX <Shannon.Baskerville@gov.bc.ca>; Coley, Simon J EMLI:EX <Simon.Coley@gov.bc.ca>; Amann-Blake, Nathaniel MEM:EX <Nathaniel.Amann-Blake@gov.bc.ca>

Cc: Al-Nashir WLRS:EX Charania (Al-Nashir.Charania@gov.bc.ca) <Al-Nashir.Charania@gov.bc.ca>; Meyer, Brianna AG:EX <Brianna.Meyer@gov.bc.ca>

Subject: Tues 4pm BRFN/T8 DM/ADM check-in - proposed agenda and material

Hello all,

For tomorrow's 1-hr session, here's a draft agenda:

s. 13

Morgan Kennah, RPF (she/her)
Executive Lead, Cumulative Effects NRS Solutions
Ministry of Water, Land and Resource Stewardship
O: 778.974.5846 | morgan.kennah@gov.bc.ca

Treaty 8 Update: Blueberry River and other Treaty 8 Nations Agreement Implementation: Technical briefing

November 21, 2023



**BRITISH
COLUMBIA**

Overview

- Treaty 8 quick facts
- Underpinning of all Treaty 8 agreements
- Agreements implementation challenges
- Actions underway to address
- Backgrounders

Quick facts

- Eight BC-based Treaty 8 Nations:
 - Blueberry River First Nations (BRFN)
 - Fort Nelson, Prophet River, Doig River, Halfway River, Saulteau and West Moberly First Nations, and McLeod Lake Indian Band
- BRFN proven infringement, other Treaty 8 Nations could prove similar case. Court declarations enduring and powerful.
- Shared treaty rights and territories.
- Agreements signed with all Nations earlier in 2023; all but BRFN's expire March 31, 2024.
- Treaty 8 covers 22% of BC – but agreements focus in northeast BC.



Underpinning of all Treaty 8 agreements

- Work towards co-management and strategic land use direction inclusive of Indigenous interests, that protects Treaty 8 rights and allows for some responsible resource development.
- Outcomes include net beneficial effect on Treaty 8 rights and communities, and greater predictability and stability for industry.
- Advance interim/transitional measures to start, while more complex longer-term measures initiate.
- BRFN agreement had significantly more initial specificity to address court declarations

E.g.:

Interim/transitional measure(s)		Longer term measure(s)
Establish interim land use zones in culturally important areas	➡	Establish new land use plans
Initiate new Stewardship Forum to inform cumulative impacts actions	➡	Incorporate cumulative impacts recommendations into land use plans
New revenue sharing agreements	➡	New fiscal framework

Agreements Implementation - Challenges

Province negotiated and signed agreements on premise:

- BRFN organized and funded to deliver on agreement.
- Most Treaty 8 Nations could work together on collective and regional solutions.
- Provincial staff capacity for historic, transformational agreements would be supplemented.
- Province and Nations could advance land use planning activities with speed.
- Specific to oil and gas, BRFN would work with companies to allow some additional development beyond new disturbance caps.

5



s. 13

Agreements Implementation - Challenges

Necessary conditions for effective delivery have not materialized, and new issues emerged:

- Serious, prolonged internal governance issues with BRFN.
- Lack of BRFN staff capacity (high turnover, difficulty recruiting) leads to legal counsel representing Nation at implementation tables.
- Most Treaty 8 Nations and representatives won't work together (bilateral preference, Treaty 8 table dysfunction).
- Provincial capacity challenges
- Land use planning work at very preliminary stage.
- BRFN not supportive of exceptions to oil and gas disturbance cap at early stage of agreement implementation.
- Two Nations frustrated with BRFN Agreement are judicially reviewing provincial decision to enter it based on adequate consultation and accommodation.
- New additional circumstances to consider not in agreements: (i) largest wildfires in history in region, (ii) increased land use pressure in new oil fields

What we're doing about it - BRFN and BRFN Agreement related:

s. 13

What we're doing about it - seven other Treaty 8 Nations

- **Prioritizing work capable of delivery before March 31:**

- Cumulative effects: Recommend interim direction for statutory decision makers to Cabinet (OIC). Set up governance and priority workplan for Treaty 8-BC Stewardship Forum.
- Land use planning: **s. 13** Advance interim zoning for Cabinet consideration by March 31. Advance caribou recovery land use zoning in south Peace (tied to 2019 BC-Canada Nations' agreement).
- Restoration funding: Seek Treasury Board approvals, sign associated agreements.
- Honouring the Treaty: Co-develop action plan with communications strategy.
- Revenue Sharing: Develop options for possible new agreements next fiscal.

- **Judicial reviews focused on BRFN Agreement** Senior Officials meetings scheduled to seek options for abeyance. Policy or fiscal mandates may be required, details to follow.

- **Agreements' March 31 expiry**: Develop possible new agreement options, for Ministers' deliberation in January.

Backgrounders

- Agreements Refresher – All Treaty 8 Nations
- Four Declarations – 2021 BCSC 1287 Yahey v. British Columbia
- BRFN Agreement – Implementation Progress Report
- Consensus Document - Implementation Progress Report
- BRFN Agreement – Milestones Summary at-a-glance

Agreements Refresher - All Treaty 8 Nations

Agreement feature / topic	Blueberry River First Nations (BRFN)	Six Nations – Consensus Document	McLeod Lake Indian Band
Term	Perpetual	March 31, 2024 – Letters of Agreement & Revenue Sharing Agreements expire (14)	Same as six Nations
Topics	Similar themes – but unique specifics per Nation agreement (e.g., wildlife, restoration, development measures, revenue sharing)		
Objectives and Goals	Transitional and permanent measures, to protect treaty rights, support and constrain disturbance		
Why?	Satisfy BCSC court declaration – some activity can continue	Shared treaty territory and rights; concerns on inability to exercise treaty rights, interest in co-management	Similar to six Nations

10



Six Nations: Fort Nelson First Nation (Chief Sharleen Gale), Prophet River First Nation (Chief Valarie Askoty), Halfway River First Nation (Chief Darlene Hunter), Doig River First Nation (Chief Trevor Makadahay), West Moberly First Nations (Chief Roland Willson), Sauteau First Nations (Chief Rudy Paquette)

Four Declarations - 2021 BCSC 1287 Yahey v. British Columbia

1. In causing and/or permitting the cumulative impacts of industrial development on Blueberry's treaty rights, the Province has breached its obligation to Blueberry under Treaty 8, including its honourable and fiduciary obligations. The Province's mechanisms for assessing and taking into account cumulative effects are lacking and have contributed to the breach of its obligations under Treaty 8;
2. The Province has taken up lands to such an extent that there are not sufficient and appropriate lands in the Blueberry Claim Area to allow for Blueberry's meaningful exercise of their treaty rights. The Province has therefore unjustifiably infringed Blueberry's treaty rights in permitting the cumulative impacts of industrial development to meaningfully diminish Blueberry's exercise of its treaty rights in the Blueberry Claim Area;
3. The Province may not continue to authorize activities that breach the promises included in the Treaty, including the Province's honourable and fiduciary obligations associated with the Treaty, or that unjustifiably infringe Blueberry's exercise of its treaty rights; and,
4. The parties must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry's treaty rights, and to ensure these constitutional rights are respected.

BRFN Agreement Implementation Progress Report

"Progress report"

- **Cumulative Effects measures:** Interim direction to decision makers advancing. Stewardship Forum to launch in December/January. Establishing interim zoning not ready.
- **Wildlife Management:** BRFN hasn't staffed this work, BC has pushed to initiate with Chief and Council.
- **Land use planning:** Little progress, prescribed collaborative planning process is conflict laden, with BRFN legal counsel steering work instead of professional planners or BRFN leadership. Key timeline for first initial product off course by two months.

Just getting started



Not started



Just getting started



BRFN Agreement Implementation Report Card

- **Restoration funding:** Blueberry River Restoration Society established, **s. 16** of **s. 16** transferred. 2021 BRFN trust account being transferred to new trustee **s. 16**
- **Revenue sharing/Economic benefits:** ~ **s. 16** shared thus far, further funding available for one more fiscal year in agreement, and monies available if BRFN and BC achieve initial planning milestones **s. 13** **s. 13**
- **Honouring the Treaty:** BRFN did initial media campaign. BC anticipates further funding request for BRFN to advance solo efforts.

"Progress report"

Good momentum



Good momentum



Just getting started



Consensus Document Implementation Progress Report

"Progress report"

- **Cumulative Effects measures:** Interim direction to decision makers advancing. Stewardship Forum to launch in December/January. Establishing interim zoning not ready.
- **Wildlife Management:** 2022 hunting regulatory changes well received, 2024 change recommendations expected. Nation frustration that BC is not delivering on commitment to appoint three new Conservation Officers.
- **Land use planning:** Little progress, due to provincial and Nation capacity limits and inter-Nation conflict mostly.

Just getting started



Good momentum



Just getting started



Consensus Document Implementation Report Card

- **Restoration funding:** Co-developed agreements nearly ready for Treasury Board review/approvals of terms from 2022 mandate.
- **Revenue sharing:** Interim agreements have shared ~\$ 16 to seven communities. Some Nations focused on new fiscal arrangements requiring change to oil and gas royalty system.
- **Economic benefits:** direct award tenure work progressing, slowed by judicial reviews. Carbon credit discussions dependent on land use planning.
- **Honouring the Treaty:** Progressive initial discussions, no action plan developed or other outcomes from joint work yet.

"Progress report"

Nearly there



Good momentum



Good momentum



BRFN Agreement - Milestone Summary at-a-glance *(nearly everything off track)*

Overview

- Wildlife working group launch
- Water use policy approval
- Gundy HV1C Plan (and incentive payment of **s. 16**)
- Consultation process for all business lines except oil and gas

Quality Assurance

- Tenure direct awards (oil and gas, timber harvesting) (Dec)
- Atmospheric benefit sharing agreement (Dec)
- Co-developed honouring the treaty plan (Dec)
- Revenue sharing (Jan)
- 2nd HV1C Plan (Grizzly Creek) (April)

Transformational

- Three Watershed Management Basin Plans (Dec 2025)

From: Robb, Peter(Peter.Robb@bc-er.ca)
To: Caul, Doug D PREM:EX (Doug.Caul@gov.bc.ca)
To: Carr, Michelle (Michelle.Carr@bc-er.ca)
Subject: FW: Update: status of Petronas applications
Sent: 11/21/2023 00:54:45
Attachments: [s. 13](#), [s. 16](#)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Just thought this might be helpful addition for any potential calls...



Michelle Carr (she/her)
Commissioner, Chief Executive Officer
Michelle.Carr@bc-er.ca

Victoria
[Office Address Directory](#)
[BCER Web Site](#)

T. 250 419-4455
F. 250-419-4403

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships to the land and water, which the British Columbia Energy Regulator and Inuit people living across B.C.

This email and any attachments are intended only for the named recipient and may contain confidential and/or privileged material. Any unauthorized copying, dissemination or other use by a person other than the named recipient of this email, please notify the sender and destroy all copies of this email immediately.

From: Marquis, Yvette PREM:EX(Yvette.Marquis@gov.bc.ca)
To: Caul, Doug D PREM:EX (Doug.Caul@gov.bc.ca)
To: Prince, Jessica PREM:EX (Jessica.Prince@gov.bc.ca)
Subject: RUSH APPROVAL: PDE MN - Petronas
Sent: 11/16/2023 16:49:12
119776 PDE and EMLI Meeting with PECL BN November 17, 2023.docx, Attachment 1 - s. 13, s. 16
Attachments: Attachment 2 - Gundy Plan Critical Path to Decision.pdf, Attachment 3 - Current Status of Priority PECL New Disturbance Applications.pdf

Hi Doug,

Can you take a look at the attached materials for the meeting that is taking place today please?

From: Fillion Haycock, Chantal EMLI:EX <Chantal.FillionHaycock@gov.bc.ca>
Sent: Thursday, November 16, 2023 8:28 AM
To: Marquis, Yvette PREM:EX <Yvette.Marquis@gov.bc.ca>
Cc: Hiltner, Clementine EMLI:EX <Clementine.Hiltner@gov.bc.ca>
Subject: FOR RUSH APPROVAL: PDE MN - Petronas

Hi Yvette,

Requesting preapproval of this note for the Petronas meeting on Friday.

Thanks,

Chantal Fillion Haycock | A/Executive Coordinator

(she/her)

Office of the Deputy Minister

Ministry of Energy, Mines, and Low Carbon Innovation

Province of British Columbia

T (236) 478-3904 | C (250) 893-8907

Date: November 6, 2023

CLIFF: 119776

MINISTRY OF ENERGY, MINES AND LOW CARBON INNOVATION

BRIEFING NOTE FOR MEETING

PREPARED FOR: Honourable Premier David Eby

MEETING DATE/TIME: PECL Canada, November 17, 2023, 2:45pm.

INTRODUCTIONS: Andrew Cuddy, Chief of Staff
Viva Wolf, Executive Director

LOCATION:

KEY MESSAGES AND QUESTIONS TO ASK:

s. 13, s. 16

BACKGROUND:

PECL is a significant oil and gas producer in BC that is wholly owned by the Government of Malaysia. Together with its North Montney Joint Venture partners, (Japan Petroleum Exploration Company [JAPEX], PetroleumBRUNEI, IndianOil Corporation, and Sinopec-China Huadian), PECL is the largest natural gas reserves owner in Canada with approximately 800,000 acres of largely contiguous mineral rights in the North Montney and over 52 trillion cubic feet worth of reserves. PECL and its partners are one of the largest natural gas producers and royalty payors, averaging 423 million cubic feet per day of natural gas production. They paid \$18.9 million in net royalties in 2021 and represented 7 percent of total provincial production. PECL has 25% ownership in the LNGC project along with Joint Venture partners, Shell, Mitsubishi, PetroChina and KOGAS.

s. 21

1. New Disturbance Caps

PECL has significant tenure holding and development interest in some of the areas of the North Peace that are most significantly constrained by the BRFN IA. s. 12, s. 13, s. 17

s. 12, s. 13, s. 17

s. 12, s. 13, s.

s. 21

s. 21

2. Regulatory Predictability

s. 21

3. BRFN Governance

s. 13, s. 16, s. 17

DISCUSSION:

New Disturbance Caps

Over the past two weeks, significant progress was made with BRFN with respect to the Gundy Plan, timeline and steps to completion. While the BRFN IA target date for this plan (November 20, 2023) is no longer achievable, an agreed-upon revised critical path would see that plan completed in January 2024 (see Attachment 2). BC remains committed to collaboration that will bring the necessary flexibility and predictability to development in this area. PECL and other directly impacted tenure holders and infrastructure owners are being invited to share their development interests with BRFN and BC directly on November 16 and 17. Subsequent engagement will follow as the Gundy Plan is collaboratively drafted.

PECL's presentation is scheduled for the morning of November 16. It is critical that industry be transparent in its development interests and disturbance needs now that BRFN has come to the table alongside BC. BC has provided advice regarding key information to bring forward to BRFN to support this process, notably:

- How PECL's development strategy has changed as a result of the *Yahey* decision and BRFN IA. Essentially, what has PECL already done to reduce the cumulative impacts of their planned development and what is the result in terms of a change in planned hectares of new disturbance.
- An explanation of the restoration obligations and opportunities within the planning area.
- Timing, quantity and context of new disturbance needed over the next 5 years and, more generally, to fully build out the asset.

Concurrently, BC continues to work with BRFN to co-develop plan elements. s. 13, s. 16
s. 13, s. 16

The Gundy Plan will provide the framework for the remaining HV1 Plans (17 HV1 polygons in total), scheduled for completion over the next 14 months. s. 13, s. 17
s. 13, s. 17

Regulatory Predictability

With respect to the previously issued permits and priority applications, the BCER is following the protocols and process established under the BRFN IA. BCER is in discussions with BRFN leadership regarding Town East permits and reviewing the consultation record that was relied upon for those decisions.

For the priority applications, the BCER and BRFN are following the agreed-to processes and timelines established as part of the new consultation protocol for the review of applications.

BCER communicates regularly with PECL regarding the status of applications and anticipated timing of decisions. BRFN has provided comments on some of the applications and BCER is working with PECL, as appropriate, to respond accordingly (Attachment 3).

BRFN Governance

s. 13, s. 16

Attachments:

Attachment 1: PECL Canada Letter to Deputy Minister Shannon Baskerville.pdf

Attachment 2: Gundy Plan Critical Path to Decision.pdf

Attachment 3: Current Status of Priority PECL New Disturbance Applications.pdf

DRAFTED BY:

Viva Wolf, ED

APPROVED BY:

Nathaniel Amann-Blake, ADM, ERD✓

Shannon Baskerville, DMO, EMLI✓

Current Status of Priority PECL New Disturbance Applications

- Petronas has indicated that the priority applications below are time sensitive and that decisions are needed by end of October/early November, in order to avoid costly operational delays. These applications have New Disturbance on Crown land and form part of Petronas' 2023 Allocation Plan.
- The timelines for these decisions have been communicated to Petronas on numerous occasions.
- The BCER has received comments from BRFN on several of these priority applications, including:
 - d-4-C/94-G-1 padsite:
 - 100116105: Referred September 25, 2023, response received November 8, 2023
 - 100117566: Referred September 25, 2023, response received November 8, 2023
 - d-20-B/94-G-1 padsite:
 - 100116369: Referred September 25, 2023, response received November 8, 2023
 - 100117131: Referred September 25, 2023, response received November 8, 2023
 - a-74-H/94-B-16 padsite:
 - 100114186: Referred September 25, 2023, response received November 8, 2023
 - 100116841: Referred September 25, 2023, response received November 8, 2023
- The BCER is of the view that many of the BRFN's comments or requests are actionable and Petronas has been contacted to determine feasibility of the proposed mitigation measures.
- There are other comments that require clarification and discussion between BRFN and BCER. These matters will be discussed the week of November 13 and are related to:
 - Interpretation of rules related to Old Growth within Priority Watershed Management Basins.
 - Clarification of BRFN's identification of wetlands, which is not consistent with standard industry practices.
 - Requests from BRFN that Petronas follow a 250 m setback for cultural trails that have not yet been mapped or provided by BRFN.
 - Request for consultation with the trapline owner in the area, which is to be coordinated by BRFN's lands office.
- Comments are still outstanding from BRFN on the following priority applications:
 - Pipeline application:
 - 100117963: Referred October 11, 2023, response due November 23, 2023
 - Tie in:
 - 100118340: Referred October 24, 2023, response due December 6, 2023