

The BC government is grossly overstepping its legal obligations under historical treaties and UNDRIP regarding Indigenous rights and needs to start respecting Indigenous rights immediately.

For example: based on government data, 73% of the area inside Blueberry River First Nations traditional territory is within 250 meters of an industrial disturbance, and 84% is within 500 meters of an industrial disturbance. Active petroleum and natural gas tenures cover 69% of Blueberry River First Nations traditional territory. There are 19,974 oil and gas wells in Blueberry River First Nations traditional territory, and 110,300 km of linear features (including roads, transmission lines, seismic lines and pipelines) in 38,327 square kilometers of territory – an average of 2.88 kilometers of linear disturbance per square kilometer. Significant portions of the territory have a linear disturbance density that is much higher, up to over 24 kilometers per square kilometer.

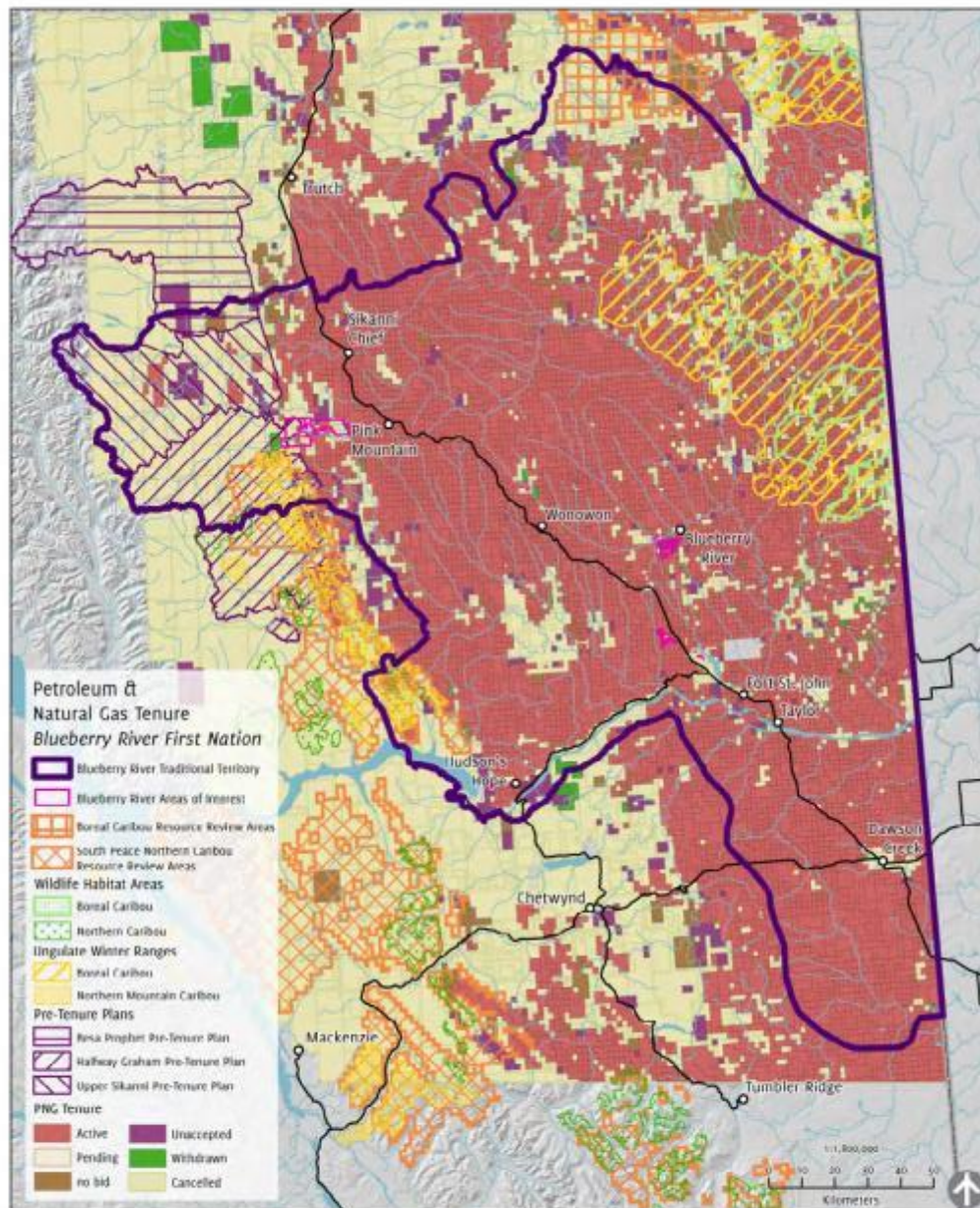
In *Yahey v. British Columbia*, better known as the Blueberry River First Nation Judgement, the British Columbia Supreme Court found that the cumulative effects of industrial development on Blueberry River First Nation's traditional territory have unjustifiably infringed on its Treaty rights. Justice Burke also held that:

- the Province's mechanisms for accounting for cumulative effects were lacking and contributed to the Province's breach of its Treaty obligations; and
- the Province had "taken up" lands under Treaty to such an extent that Blueberry no longer had sufficient and appropriate lands to meaningfully exercise its Treaty rights.

The Court ordered the Province of British Columbia to:

- stop authorizing activities that breach unjustifiably and infringe on Blueberry's Treaty rights; and
- negotiate with Blueberry to establish timely and enforceable mechanisms to assess and manage the cumulative impacts on Blueberry's Treaty rights and to ensure those rights are respected.

Blueberry River is perhaps one of the most extreme examples, but it is not by any means the only first nation struggling with significant industrial disturbance on their traditional territory. And with plans to significantly expand LNG production in BC, how can the BC government possibly think that Indigenous people, living right beside or near fracking operations in BC, can live the lives they were promised under the Treaty given the circumstances the Province has and is allowing and encouraging?



Map 19. Oil and gas tenures