



**Tsq'escnem'c  
The People of Broken Rock  
The Canim Lake Band**

**Snine Forest, Stewardship Plan**

**Version 3.1 April, 2021  
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## Context

### The LandUse Planning Process to Date

Version 1.0 of this plan, the FSRP was released in April of 2013. Version 2.0, was released in April of 2016. The title of the plan was changed; it became The Snine Forest, Stewardship Plan (SFSP). Version 2.0 recognized the broadening scope of the plan and was, in response to accelerated harvesting, more focused on habitat preservation and on Aboriginal Rights and Title. Version 3.0 of the SFSP was created in response to climate change (wildfire) and the recently signed *Yecweminul'ecw Land and Resource Use Agreement*, dated October 24, 2018, between the Province and the NTSQ communities, including the Canim Lake Band, that provides a process for land and resource management issues. Version 3.1 is an update done to better mesh the SFSP with Canim's Forest Stewardship Plan.

LandUse planning is an ongoing and iterative community process. Many changes to this plan are anticipated through time. The Tsq'escnem'c are committed to this process and will continue their efforts.

### Sustainability and Stewardship Rights

The Tsq'escnem'c are committed to the stewardship of the land. The Tsq'escnem'c concept of sustainability encompasses elements of inclusion, moderation, fairness, respect for all life, recognition of the interconnectedness of all life and the practice of long-term stewardship. Sustainability is a defining principle within the construct of culture, values, time and way of life that defines us as Tsq'escnem'c.

We, the Tsq'escnem'c, have stewardship rights and responsibilities over our Traditional Territory based upon our prior and continuing use of the land and resources for our sustenance and way of life. Our people, our language, our culture and our land are one. Our stewardship responsibilities are supported by our Aboriginal rights and title which are protected by section 35(1) of the *Constitution Act*, 1982. Section 35(1) requires the Crown to recognize and affirm existing Aboriginal rights and title, and substantially address our concerns on the potential impacts of industrial activities and resource alienation on our way of life.

### Objectives and Principles

It is an objective of the Tsq'escnem'c to maintain and protect traditional and contemporary resources in a manner that supports the food, social, ceremonial and commercial use of the land by members of the Tsq'escnem'c and the Canim Lake Band.

The guiding principles for land and natural resources management include:

- 1) The application of Ecosystem Based Management and the Precautionary Approach to ensure conservation of natural resources, ecologically sensitive areas and cultural resources; and

- 2) Ensuring Tsq’escnem’c priority access to all resources for cultural, sustenance and community use.
- 3) Ensuing Tsq’escnem’c economic and commercial inclusion on all natural resource activities.

The current land and natural resources management regime and strategic direction are not meeting our objectives and principles.

## The United Nations Declaration on the Rights of Indigenous Peoples

Canada has committed to implement the United Nations Declaration on the Rights of Indigenous People (“UNDRIP”) in partnership with Indigenous Peoples, acknowledging the importance of a nation-to-nation relationship with Indigenous Peoples based on recognition of rights, respect, co-operation and partnership.

The *Yecweminul’ecw Land and Resource Use Agreement*, at recital I, references the UNDRIP commitments of the Province:

The Province has committed to true, lasting reconciliation with Indigenous peoples and has committed to fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, and the Calls to Action of the Truth and Reconciliation Commission and the work that evolves from engagement on the Draft Principles that guide the Province of British Columbia’s Relationship with Indigenous Peoples.

Among other things, UNDRIP provides through Article 26 for recognition of land and resource rights of Indigenous Peoples:

“Indigenous Peoples have the **right to the lands, territories and resources** which they have traditionally owned, occupied or otherwise used or acquired. Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, and those which they have otherwise acquired. ...”

UNDRIP provides through Article 32 that states shall obtain the *free, prior and informed consent* of Indigenous Peoples (“FPIC”) for any project affecting the rights of Tsq’escnem’c:

“... States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to **obtain their free and informed consent** prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. ...”

The Band must provide its *free, prior and informed consent* under this SFSP to any proposed natural resources development, changes to Crown legislation, or changes to any natural resources tenure rights within its Traditional Territory. Consent is achieved through various means, including:

- Accommodation agreements with the Crown;
- Joint venture, partnerships, and impact benefit agreements with licensees and proponent companies; and
- Implementing the commitments set out in the engagement processes set out in the *Yecweminul'ecw Land and Resource Use Agreement*.

As the *Yecweminul'ecw Land and Resource Use Agreement* is an interim agreement, Tsq'escnem'c continues to advocate that the principles of UNDRIP, including *free, prior and informed consent*, be adhered to by the Crown and third party proponent companies prior to any development activities within its traditional territory.

## **The Tsilhqot'in Decision and Prima Facie Aboriginal Title**

The Supreme Court of Canada in *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, found that the Tsilhqot'in Nation had established Aboriginal title in British Columbia.

"Aboriginal Interests" means asserted or determined aboriginal rights, including aboriginal title recognized and affirmed under section 35(1) of the *Constitution Act, 1982*.

The Canim Lake Band has *prima facie* Aboriginal Interests within Canim Lake Band Territory, including Snine Forest. The term *prima facie* acknowledges that there is a documented record of the existence of Aboriginal rights and title, at face value, pending a full determination. The *Tsilhqot'in* Aboriginal rights, including Aboriginal title, are recognized and affirmed under section 35 of the *Constitution Act, 1982*, and UNDRIP. Aboriginal Title has always existed from time immemorial. The Band takes the position that it can demonstrate the *prima facie* regular use of the Snine Forest on the same basis used to establish Aboriginal Title in the *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44 ("*Tsilhqot'in*") decision which found:

[42]...Regular use of territories for hunting, fishing, trapping and foraging is "sufficient" use to ground Aboriginal Title, provided that such use, on the facts of a particular case, evinces an intention on the part of the Aboriginal group to hold or possess the land in a manner comparable to what would be required to establish title at common law".

The *Tsilhqot'in* decision has now provided a means for recognition and implementation. Title is based on occupation and regular use prior to contact. This must be sufficient, continuous and exclusive. Due to overlapping Traditional Territories settling Aboriginal Title between groups can be challenging, and these competing-claims might tend to hinder progress towards recognized Aboriginal Title.

However, there are tracts of land meeting the requirements for Aboriginal Title, over which only a single and distinct people have a Traditional Territory. On these areas, Aboriginal Title does not need to be proved, it is inherent and undisputed. The Canim Lake Band has such an area. It covers a significant part of Snine Forest and there is no other legitimate Aboriginal territorial claim on this land.

This area, and all of Snine Forest, is regularly used by the Band for hunting, fishing and other traditional activities, therefore the Canim Lake Band declares Aboriginal Title over this area. The Aboriginal Title gives the Canim Lake Band the right to use, enjoy and control the Canim Aboriginal Title Area and enjoy its benefits, including profit from any economic development (see Economics-Revenue Sharing in this plan).

This declared and non-overlapped area is identified as the "Canim Aboriginal Title Area" (CATA).

It is clear that for the Canim Lake Band there are two possible paths. One leads to a fair, respectful and equitable Treaty through good faith negotiation. The other path leads to Court for a formalized recognition and declaration of Aboriginal Title through a Court Order.

The Canim Lake Band is a full participant in NStQ Treaty negotiations, as a member of the NStQ, and has signed onto the NStQ Agreement in Principle under the B.C. Treaty process. In addition, the NStQ has done considerable work on a comprehensive Government to Government Agreement (G2G). An effective G2G coupled with a final Treaty agreement is possible and in the best interests of everyone. However, there are still significant outstanding differences regarding what is fair, respectful and equitable. This SFSP is both interim and an alternative to a final Treaty based upon the principles of the *Tsilhqot'in* decision and UNDRIP.

## **The CCLUP**

In 1996, the Crown created the Cariboo-Chilcotin Land Use Plan (CCLUP) without proper consideration of the existing Aboriginal rights and title of the Tsq'escnem'c. The Canim Lake Band had no significant participation in the CCLUP, and our values were not incorporated in a significant way. On this basis, the CCLUP is not binding on the Canim Lake Band. Put simply, it is not our plan. Additionally, the CCLUP and other related legislation did not consider wildfire and is therefore outdated. A significant renovation of the CCLUP and related legislation is now required to reflect current and evolving circumstances.

## **NStQ–Higher Level Direction for Third Parties**

The Canim Lake Band is a member of the Northern Secwepemc te Qelmučw (NStQ). This Plan is consistent with the *Northern Shuswap Land Use Principles and Guidelines* and with the *NStQ Consultation Guidelines*. The NStQ also has a *Mining Policy for the NStQ*.

These documents are available from the NStQ in Williams Lake. It is the responsibility of the Crown and third parties to obtain and use these documents as part of any consultation process.

## **Yecweminul’ecw Land and Resource Use Agreement**

The Yecweminul’ecw Land and Resource Use Agreement provides a Government to Government relationship between the Province and the NStQ/ ( which includes the Canim Lake Band) through the establishment of shared decision-making and consultation engagement processes as outlined as follows:

- 4.1 The Parties agree that the structures and processes in this Agreement constitute the means by which they will:
  - (a) work towards shared decision-making with respect to natural resources in the NStQ Territory;
  - (b) seek to develop, where appropriate, measures to accommodate NStQ in relation to the potential impact of Applications on NStQ Aboriginal Interests; and
  - (c) fulfill the procedural and information sharing obligations arising from the Province's duty to consult with NStQ and where appropriate accommodate, regarding the potential impact on NStQ Aboriginal Interests of an Application.
  
- 4.2 Engagement under this Agreement will take place at three levels:
  - (a) an Executive Committee;
  - (b) a Stewardship Forum; and
  - (c) resource staff.

The implementation of the Yecweminul’ecw Land and Resource Use Agreement must respect the Snine Forest Stewardship Plan.

## **Snine Forest, Stewardship Plan (SFSP)**

In direct response to concerns first raised by band-members in 2012, the Canim Lake Band created a landuse plan to protect Aboriginal interests over the core of Canim's Traditional Territory. This area is known as Snine Forest (Sneenah, translates to Owl).

### **Canim's Traditional Territory Outside of Snine Forest**

The Tsq'escnem'c have Traditional Territory that is not within the bounds of Snine Forest. Most of these areas have always been shared. Examples include; Green Lake and Lac La Hache. In other cases, forced migration has distanced the Tsq'escnem'c from their ancestral lands, for example Tete Jaune in the Robson Valley.

Formally delineating Snine Forest in no way diminishes Canim's Aboriginal rights over the rest of the Tsq'escmem'c Traditional Territory. Full and meaningful consultation is required on shared territory. No other First Nation may speak for, or be construed to speak for the Canim Lake Band.

Lead Band is a concept that is occasionally applied. This simply gives the lead on Traditional Use Study fieldwork to another Band. Fieldwork results are to be shared between Bands. This in no way implies that there has been a transfer of the stewardship or consultation roles.

### **Audience and Application**

The SFSP has been written for provincial statutory decision makers and their supporting staff. It may also be utilized by industry, if the Crown wants them to undertake part of the consultation process on the Crown's behalf, and if the Canim Lake Band consents to participate in proponent lead consultation with that particular proponent.

By using the SFSP, decision makers will be participating in a consent model, minimizing the risk of an infringement on Canim's Aboriginal interests, including direct infringement on Aboriginal Title as a result of approving developments without consent.

The SFSP mainly targets the forest industry, which is by far the dominant activity on the area under this plan. However, it does apply to any and all industrial activities and to any form of land alienation which could impact the Canim Lake Band.

### **Consultation**

Prior and informed consent of the Canim Lake Band is required to successfully address the resolution of any potential adverse effects of proposed activity on the way of life of Tsq'escnem'c. The fulfillment of the duty of consultation is one-step towards achieving the consent of the Canim Lake Band.

Any element of this plan can potentially receive an exemption by utilizing Deep Consultation and accommodation.



The Province's legal obligations for consultation with the Canim Lake Band will proceed as outlined in the Yecweminul'ecw Land and Resource Use Agreement, specifically in Appendix D: Engagement Framework, as well as those standards of consultation owed by the Province under the common law, and the principle of *free, prior and informed consent* under UNDRIP.

Notwithstanding any provisions contained within the Yecweminul'ecw Land and Resource Use Agreement, it is the Province as represented by their various Branches and Ministries who holds ultimate responsibility for meeting the Crown's duty of consultation and accommodation owed to the Canim Lake Band.

### **Honour of the Crown**

The Province's duty to Consult is grounded in the honour of the Crown and requires the Ministry to consult accommodate Canim Lake Band before taking action that may adversely affect their asserted or established rights under s. 35. This duty cannot be assigned to third parties.

As affirmed by the Supreme Court of Canada in *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40, the honour of the Crown invokes the following principles:

The honour of the Crown “recognizes that the tension between the Crown’s assertion of sovereignty and the pre-existing sovereignty, rights and occupation of Aboriginal peoples creates a special relationship that requires that the Crown act honourably in its dealings with Aboriginal peoples.” [para. 21]

The “ultimate purpose of the honour of the Crown is the reconciliation of pre-existing Indigenous societies with the assertion of Crown sovereignty.” [para. 58]

The duty to consult is an obligation imposed by the honour of the Crown. “In instances where the Crown contemplates executive action that may adversely affect s.35 rights, the honour of the Crown has been found to give rise to a ... duty to consult...” [para. 25].

The duty to consult ensures that the Crown acts honourably. [para. 26]

The “obligation of honour gives rise to a duty to consult and accommodate that applies to all contemplated government conduct with the potential to adversely impact asserted or established Aboriginal and treaty rights.” [para. 55]

The Province as represented by their various Branches and Ministries is always responsible for the Crown's duty of consultation and accommodation owed to the Canim Lake Band and for upholding the honour of the Crown.

## General Principles of the Duty to Consult

On July 26, 2017 the Supreme Court of Canada (the “SCC”) released its decision in *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40 that re-affirmed the duty of consultation:

1. “The duty to consult seeks to protect Aboriginal ... rights while furthering reconciliation between Indigenous peoples and the Crown.” (para 19)
2. “The content of the duty, once triggered, falls along a spectrum ranging from limited to deep consultation, depending upon the strength of the Aboriginal claim, and the seriousness of the potential impact on the right. Each case must be considered individually. Flexibility is required, as the depth of consultation required may change as the process advances and new information comes to light.” (para 20)
3. “...the honour of the Crown requires a meaningful, good faith consultation process...” (para 23)
4. “‘Consultation’ in its least technical definition is talking together for mutual understanding ... on the core issues — the potential impact on ... rights, and possible accommodations” (para. 49)
5. The “... goal of consultation is to identify, minimize and address adverse impacts where possible.” (para. 25)

## Forest Stewardship Plans and Cultural Heritage Resource Objectives

This plan partially defines and clarifies cultural heritage resources and objectives of the Canim Lake Band. The resources and objectives presented in this plan are the focus of traditional uses and are of continuing importance to the Canim Lake Band.

Statutory decision makers and staff must ensure the cultural heritage resource objectives of the Canim Lake Band are adhered to based upon provincial forestry legislation. “Cultural heritage resources” are one of the eleven objectives included under the *Forest and Range Practices Act (“FRPA”)*. Under the results-based *FRPA* framework, forestry operators must develop forest stewardship plans that consist primarily of management results and strategies for each *FRPA* resource value, including cultural heritage resources.

Therefore, any Forest Stewardship Plan that overlaps with the area under this plan must utilize and be guided by this SFSP during the consultation process.

## Accommodation

Accommodation measures for the Canim Lake Band are often more than site-specific mitigation. It can also involve compensation and inclusion. Accommodations are negotiable and Band specific, one size does not fit all. It is not for the Crown or any third party to determine what is suitable or sufficient. The level of accommodation must be consistent with the level of infringement.

Accommodation can occur on a case-by-case basis, or it could involve a more comprehensive approach, such as a negotiated Government-to-Government Agreement, or an Impact Benefit Agreement.

The Band asserts appropriate and meaningful may include the following measures:

- funding for studies regarding our traditional uses of the land;
- land use planning to identify our uses of the land involving the Band on a government-to-government basis
- identifying and developing an agreement on the management of traditional use areas
- additional timber tenures for the Band
- other tenure agreements for the Band
- other revenue sharing arrangements
- additional fee simple lands for the Canim Lake Band

## Strength of Claim

When the Province or a Provincial Agency is seeking to discharge its legal obligations of consultation with the Canim Lake Band, it will, as per Appendix D: Engagement Framework of the Yecweminul'ecw Land and Resource Use Agreement, utilize the Engagement Tools and Engagement Process contained therein.

Among other things, this requires assessment of the Engagement Level between Canim Lake Band and the Province or Provincial Agency and adherence to the associated processes and timeframes of the applicable Engagement Level.

However, notwithstanding any provisions contained within the Yecweminul'ecw Land and Resource Use Agreement, the common law principles of the duty of Consultation and Accommodation always apply including the Court's reasoning in *Haida Nation v British Columbia (Minister of Forests)*, [2004] that the duty of Consultation ranges across a spectrum depending on the strength of the claim and the potential for infringement. In *Haida*, the Court found that assessing the level of Consultation and Accommodation requires the Crown to assess the strength of claim of the First Nation based upon available evidence.

The Traditional Use Study (TUS) information under-pinning this SFSP represents only a slice of the total potential TUS information. It was mainly collated via an FRBC project in 1998 and 1999.

Canim's digital TUS collection is structured using archival principals and consists of sound recordings, moving pictures, photographic materials, maps and transcripts. Much of the mapable data has been digitized, categorized and linked to its source material. Mapable data exists in eight main categories; archaeology, hunting, trapping, food gathering and agriculture, other gathering, place-names, food fishery and trails. This polygon data was used to create a strength of claim map.

To show strength of claim the concept of Interview Intensity was employed. This simply applies a value of 1 to each polygon identified by an interview within Canim's collection. Multiple interviews that identify the same area as important for a specific purpose result in a higher Interview Intensity number. If one interview identifies a certain area as important for hunting, it will have an Interview Intensity of 1. If two other interviews identify the same area as important for trapping, the final Interview Intensity will be 3.

Interview intensity was used on a polygon overlay map to show a rough visual representation of Canim's strength of claim, and Inherent Aboriginal Title over Snine Forest.

Qualified individuals, working on behalf of the Crown in support of deep consultation are invited to gain limited and supervised access to Canim's TUS information during the course of their strength of claim assessments. Any assessment, that has not accessed and utilized this known and available information, will be incomplete, and must not be relied upon for decision making by the Crown.

It must be noted that there is considerable data that supports Canim's strength of claim that is not directly represented in this plan. This includes a number of third party sources and a variety of materials at the Canim Lake Band that have simply not yet been processed into a digital format. It must also be noted that Tsq'escnem'c contemporary use on Snine Forest is high, and is not shown on any map in this plan.

## **Higher Level Planning Initiatives and Strategic Decisions**

Canim Lake Band and the Province are both participants in the Executive Committee and in the Stewardship Forum established under the Yecweminul'ecw Land and Resource Use Agreement.

Both the Executive Committee and the Stewardship Forum have responsibilities in addressing land or resource matter of interest to either party of the Yecweminul'ecw Land and Resource Use Agreement as strategic topics.

Through the Yecweminul'ecw Land and Resource Use Agreement Canim Lake Band and the Province have established a protocol for addressing Higher Level Planning and

Strategic Decisions which is further detailed in Appendix C: Strategic Topics of the Yecweminul'ecw Land and Resource Use Agreement.

Among other things, Appendix C: Strategic Topics provides Canim Lake Band as a NStQ Community will discuss with the Province potential collaboration on land and resource planning and management within the NStQ traditional territory as a standing Strategic Topic for discussion at the Stewardship Forum to support their mutual interest in the following objectives:

- (a) fostering sustainable land and resource management,
- (b) working towards cooperatively implementing landscape level opportunities to manage natural resources in a manner respectful of NStQ Aboriginal Interests; and
- (c) exploring how the parties may work towards effectively implementing the Yecweminul'ecw Land and Resource Use Agreement to shift their relationship focused on transactional consultation to also encompassing strategic issues within the NStQ Territory as a means to allocate staff resources to the highest priorities.

This work will proceed as per the Yecweminul'ecw Land and Resource Use Agreement.

## **Snine Forest LandUse Zones**

The NStQ created three distinct land use zones that are used in this SFSP. These are Stewardship Areas, Sensitive Areas and Wilderness Areas.

Under this SFSP, the Canim Lake Band has created nine landuse zones. They are; Snine Forest, Aboriginal Title Area, Key Interest Area, Food Fishery, Connectivity Corridors, Archaeology, Trails, Non-timber Forest Products (non-spatial) and Sacred, Spiritual and Supernatural Areas (non-spatial).

### **NStQ Wilderness Area**

Wilderness Areas were identified to protect and conserve areas that are culturally and environmentally significant. The NStQ has called for no clearcut logging in wilderness areas. This SFSP defines and applies an alternative stewardship model for the Wilderness Area within Snine Forest, as described below:

- The alternative model includes all other management practices as outlined in this SFSP.
- The alternative model includes moving towards longer rotation ages, in excess of 100 years.

### **NStQ Sensitive and Stewardship Areas**

Full and meaningful consultation and the incorporation of NStQ values and interests are to be used to manage these lands. Apply this SFSP.

## **Canim Snine Forest**

Snine Forest has always existed. It was formally delineated in 2013 as part of a short-term emergency response to Crown authorized accelerated timber harvest levels, which were set well beyond what could be rationalized by the Mountain Pine Beetle infestation. Snine has been called the core of the Tsq'escnem'c Traditional Territory. It was and still is the area under this landuse plan (SFSP), and the area upon which Canim can demonstrate an irrefutable strength of claim in support of Aboriginal Title.

## **Canim Aboriginal Title Area (CATA)**

This area was formally identified in April of 2016, with the publication of SFSP Version 2.0. It is the area that meets the requirements for *prima facie* Aboriginal Title as the Crown has actual knowledge through treaty negotiations and constructive knowledge of lands traditionally occupied and used by the Band. No neighboring Bands claim these lands, only Canim.

## **Canim Key Interest Area (KIA)**

The Tsq'escnem'c have been trying to secure a significant area based forest tenure for more than three decades. Forestry is the main and best economic opportunity that the Canim Lake Band has. The Canim Lake Band has a vision of long-rotation forestry producing high value logs and supporting a set of vertically integrated forestry ventures, including; logging, a log-sort-yard and value-added manufacturing. The KIA forest tenure is the foundation of this vision.

The Canim Lake Band attempted to secure a TFL on Canim Lake in the early 80's. They were not successful. In 2006 the Canim Lake Band signed a Forest and Range Agreement. Within that agreement it was stated “*3.1.6 The Parties acknowledge that the Canim Lake Indian Band wishes to pursue a Community Forest License in the immediate vicinity of Canim Lake.*”

In addition it was stated under “*12(f) on a priority basis, interim protection for landscapes, watersheds and/or sites identified by the Canim Lake Band to be reserved from resource development pending the outcome of negotiation of agreements referred to in a-e above.*” Canim invoked this section in 2009 and closed the KIA to third party logging.

At this point The Canim Lake Band controls about 30% of the KIA under a First Nations Woodlands Licence. Other significant areas within the KIA are covered with Treaty Selection Lands. The KIA remains closed and will be subject to either a final treaty negotiation or a formal claim for Aboriginal Title. It remains a no harvest, no development zone for all parties, except the Canim Lake Band.

However, it must be clear that the Canim Lake Band is ready, right now, to assume full authority over the Key Interest Area as an accommodation measure or a Treaty related forest tenure.

## **Canim Food Fishery**

Food fisheries are a key Aboriginal right and an essential Aboriginal interest. Unlike other interests, such as hunting or trapping, the food fishery does not and has not moved. Canim's TUS data records specific fishing spots (the mouth of the Canim River) and more general fishing areas (for example Ruth Lake). Any and all riparian systems that connect to fishing spots or areas are part of Canim's Food Fishery. The Food Fishery theme is closely related to Canim's Connectivity Corridors, which usually fully encompass them. See General Forest Stewardship, Food Fishery under this SFSP for management details.

## **Canim Connectivity Corridors**

In the original version of this plan (2013) the concept of connectivity corridors was included (not yet mapped). In a direct response to Crown over-allocation of the timber resource and the negative cumulative effects resulting from accelerated harvesting and multiple overlapping volume based forest licences Connectivity Corridors were replaced with mapped Wild Unmanaged Forest Networks (WUFN).

These were established as no-harvest, no industrial development zones. The purpose of the WUFN was to protect contemporary and historical culturally important Aboriginal resources and values from Crown endorsed over-harvesting.

Accelerated harvesting is ramping down quickly and significantly. Heavily impacted watersheds are now experiencing strong hydrologic recovery. In addition the affects of a changing climate have indicated that a "no-harvest" strategy may not be the best management approach. Therefore, in this Version of the SFSP WUFN's are being re-designated as Connectivity Corridors. These are now modified harvest areas.

## **Canim Archaeology**

The Canim Lake Band has created a theme for high archaeology concern. Features such as burial sites, habitations etc. were buffered in order to generate areas of high concern, and to partially mask these sensitive features.

The Canim archaeology concern theme has only one purpose, to inform the Crown when a proposal overlaps or is close to a sensitive archaeology feature.

Professional archaeologists, working on behalf of the Crown or other proponents, are able to gain limited and supervised access to this sensitive information during the course of their assessments. Any archaeology assessment, study or report, that has not accessed and utilized this known information, will be incomplete, and must not be relied upon for decision making by the Crown.

Both for archaeology concern and for general TUS studies, fee for service on the ground fieldwork is also required, unless Canim's Natural Resources staff specifically indicates otherwise. Despite any artificial timelines, fieldwork must be scheduled for snow-free conditions. The Crown and proponents must also realistically consider Canim's capacity to schedule and complete field studies.

## **Canim Trails**

Trail locations were mapped as part of Canim's Traditional Use work. Not all trails are included and some of the locations are approximate.

## **Canim Non-timber Forest Products**

The number and diversity of non-timber forest products (NTFP) utilized by the Tsq'escnem'c is significant.

Certain ecosystems and terrains at specific seral stages produce unique and important products. These elements make it extremely difficult to map, quantify or otherwise manage these products in detail.

However, many of these values are strongly associated with old forest attributes, with deciduous types, riparian features and with non-forest vegetation complexes on rich sites (rich site NSR). These in turn are strongly associated with Canim's Food Fishery.

Other components of this SFSP have been specifically tailored to support the non-timber forest products component of our Aboriginal interests. Case-by-case consultation will be utilized to manage non-timber forest products.

At this time, the Canim Lake Band does not support the granting of tenures, licences or permits for Non-Timber Forest Products within Snine Forest to any third party.

## **Canim Sacred, Spiritual and Supernatural Areas**

The Tsq'escnem'c regard the earth and their entire Traditional Territory as a sacred and spiritual area. Elders refuse to map certain areas as being either more sacred or more spiritual than adjacent areas.

However, there are key places and tracts of land that have heightened sacred and or spiritual or supernatural significance. Examples include; burial sites, places where important people died, places associated with prayer or rites of passage, battlefields, places occupied by spirits or little people, places that are important for animals (such as the place where moose go to calf). These places and tracts of land are confidential and will be consulted on a project-by-project basis.



## **General Forest Stewardship**

### **Climate Change, Fire and Douglas-fir Beetle**

The Canim Lake Band believes that Climate Change is upon us now and that we will continue to experience change over the foreseeable future. We anticipate more variable and extreme weather with an overall trend towards increasing temperatures.

We anticipate warmer winters and hotter summers, leading to more and larger fires and more Douglas-fir beetle. Beetle mortality promotes fire, and fire promotes beetle. Our community is surrounded by mature and flammable NDT3 forest, much of which still contains a significant amount of dead pine locked down by static CCLUP landuse zones. NDT3 forests are subject to frequent stand initiating events, and these stands are expected to experience moderate to high severity fire at mean intervals of 125 years (Biodiversity Guidebook 1995). However, this interval may be shortening and the size of fires increasing under a climate change scenario. The combination of older forests, static and inflexible CCLUP landuse zones and historic fire suppression can be thought of as a fuel-bomb. The Canim Lake Community is at high risk for wildfire.

Under these circumstances The Canim Lake Band has these priorities:

- Douglas-fir beetle must be aggressively actioned with small to medium scale salvage, wherever it occurs.
- The forest must be compartmentalized with a series of roads and fireguards. These will provide safe access and egress for fire crews. Their purpose is to provide an opportunity to keep the fire smaller, and to prevent the development of a large and devastating landscape level fire. This protects communities, infrastructure and other ecological values associated with the older forests that can potentially burn. At the same time it recognizes that fire is natural and has a place in the ecosystem.
- There must be significant and aggressive forest fuel treatments in the forested areas surrounding the Community of Canim Lake Band. Dead pine must be addressed in some way.
- New logging methods, silviculture systems and ultimately landuse zoning rules are required to effectively manage climate change for fire and beetle.

### **Third Party Influences on Canims Forest Tenures**

The Canim Lake Band's forest tenure (FNWL N1I) is not a wildlife tree retention area, mature and old seral reservoir, etc. for any third party seeking to validate or support their forest developments on areas outside of Canim's Key Interest Area and or forest tenures.

Due to differences in goals and objectives, Canim's Key Interest Area is an island and is not to be included in any broader Crown or industry analysis used to determine appropriate levels of activity on surrounding lands. In terms of the Crown's CCLUP approach, Canim's Key Interest Area should be considered as its own distinct landscape unit.

## Watershed EDA

Equivalent Disturbed Area (EDA) management can provide a basic stewardship safety net by limiting the gross amount of harvesting that can occur in a watershed over a given time period. The Crown study titled *Peak Flow Risk Assessment for the 71 Watersheds in the 100 Mile House Forest District*, was part of the 2008 100 Mile House Forest District Enhanced Retention Strategy and is used in this SFSP.

The *Peak Flow Risk Assessment* study calculates peak flow risk ratings based off hazard and sensitivity as shown below where;

- Sensitivity-is defined by variables inherent to the watershed such as topography, morphology and stability, and
- Hazard-is defined by forest harvesting and pine beetle infestation-EDA.

Table 1. Risk assessment matrix for watershed planning for 100 Mile House Forest District

Watershed Peak Flow Risk Ratings		Hydrologically Equivalent Disturbed Areas in the Watershed (% of Watershed)						
		<15% (None)	15 to 25% (Very Low)	25 to 35% (Low)	35 to 45% (Moderate)	45 to 55% (High)	55 to 65% (Very High)	>65% (Extreme)
Sensitivity of watershed and stream channel to peak flow increases	None	None	None	None	None	None	None	None
	Very Low	None	Very Low	Very Low	Very Low	Low	Moderate	High
	Low	None	Very Low	Very Low	Low	Moderate	High	Very High
	Moderate	None	Low	Low	Moderate	High	Very High	Very High
	High	None	Low	Moderate	High	Very High	Very High	Extreme
	Very High	None	Moderate	High	Very High	Very High	Extreme	Extreme
	Extreme	None	Moderate	High	Extreme	Extreme	Extreme	Extreme

Key hydrological implications of different risk levels, as presented within the 100 Mile House Retention Strategy are summarized as follows:

### **Low Risk:**

*The combination of the extent of disturbances and the sensitivity of this particular watershed is very unlikely to generate any kind of fish habitat degradation caused by the increases in peak flows.*

### **Moderate Risk:**

*The combination of the extent of disturbances (i.e. the hazard) and the sensitivity of this particular watershed is likely to generate localized, but not extensive, fish habitat degradation caused by the increases in peak flows.*

**High Risk:**

*The combination of the extent of disturbances (i.e. the hazard) and the sensitivity of this particular watershed is likely to generate extensive fish habitat degradation caused by the increases in peak flows*

**Very High Risk:**

*The combination of the extent of disturbances (i.e. the hazard) and the sensitivity of this particular watershed is very likely to generate extensive fish habitat degradation caused by the increases in peak flows.*

**Watershed Management**

For this SFSP, a select group of watersheds had their EDA's recalculated. This process simply updated the *Peak Flow Risk Assessment for the 71 Watersheds in the 100 Mile House Forest District* for harvesting that has occurred (up to Feb 2018) since the report's original publication.

The 2018 analysis shows that the process of hydrologic recovery is well underway. Extensive beetle related harvesting areas are rapidly growing. EDA's in these watersheds are rising not falling. As calculated to February 2018, only the Coffee and Eagle-Murphy Lakes watersheds are classified as high risk. By 2023 Coffee will drop to Moderate and Eagle-Murphy will drop to Low.

**Food Fishery**

A dataset to approximate Canim's Food Fishery has been created. Food Fisheries must be buffered from industrial activity. Appropriate buffer width will be determined via the consultation process. The Food Fishery is largely embedded in and managed with Canim's Connectivity Corridors.

These buffers partially protect the food fisheries features, their associated riparian habitats and a number of culturally and archaeologically significant sites and features.

The Canim Lake Band's Food Fishery is not to be used by any party or venture as a tailings pond, source of water in a manufacturing or extraction process, as a commercial commodity (i.e. selling water or generating power), or as a means to dispose of or dilute pollutants, waste or effluents from any industrial process. Placer mining is not permitted in Canim's food fishery.

The buffered foreshore of the Canim Lake Band's Food Fishery is part of the Food Fishery, and is not for sale for profit or development by the provincial Crown or any third party.

## Connectivity Corridors

The Canim Lake Band believes that connectivity implies that there is adequate cover and retention to facilitate the unimpeded movement of all animals across and through the landscape in a manner that is natural, safe and comfortable to those animals. Modified harvesting within SFSP Connectivity Corridors is allowed and will utilize deep consultation and consent on a case-by-case basis.

Modified harvesting must consider and incorporate these elements:

- Prioritize the active management of insects and the salvage of timber.
- Full application of green-up and adjacency rules.
- Maximum cutblock size of 30 ha on any block that removes >75% of the basal area on the NAR.
- Respect Canim’s Food Fishery and maintain localized riparian connectivity corridors
- Maintenance of landscape level connectivity.
- Use of partial cutting, seed trees, trail logging, regen protection and WTRA dash distances less than 400 meters.
- Windrows, weasel-huts and coarse woody debris.
- Use of temporary roads, aggressive deactivation and visual screening from roads.
- Rapid tree planting and the maintenance of a deciduous component.
- Other site-specific issues as identified during consultation.

## High Value Deciduous Types

Deciduous types are extremely important in terms of biodiversity. These types are also strongly linked to a variety of Aboriginal rights including wildlife habitat, hunting and gathering. Under this SFSP, high value deciduous types are reserved from harvesting (see table below) and Map 6.

### High Value Deciduous Types

Stand Age	Deciduous Component
0-80	>70%
80-120	>50%
>120	>25%

## **Dash Distance, Access Management, Canim Trails**

### **Dash Distance**

For forest harvesting Band-members have asked for more internal Wildlife Tree Retention Areas (WTRA) and for dash distances < 400 meters.

The following methodology is to be used to determine if < 400 meter dash distances have been created. If dash distance is not met, this method will guide the placement of additional internal WTRAs.

- Using a pencil and ruler, or a GIS, do an inside buffer of -200 meters on the net merch area of the block. The buffer would apply to the outside edge of the block, and to any internal WTRA or other internal feature ( $\geq 1$ ha) that provides for wildlife cover, for example NPBrush, but not an NCwetland.
- If the result of the buffer generates an internal polygon  $\geq 1$  ha (inside the block), add one or more WTRA's ( $\geq 1$  ha in size) inside of this new polygon, until such time as an inside buffer of -200 meters no longer generates an internal polygon  $\geq 1$  ha.
- At this point a < 400 meter SFSP dash distance has been established.

\*note, using this method NPUNN is blended with the NMA

### **Access Management**

Band-members believe that increased access has had a negative impact on ungulate populations, especially moose. More deactivation is required. There is a significant backlog of newer roads that should be deactivated. The Canim Lake Band believes that >25% of all new on-block forestry roads being created should be classified under a professionally signed site plan document as temporary. The appropriate use of temporary roads is well detailed in the Crown's *FREP Extension Note #28*.

In support of wildlife populations and the future timber supply these roads need to be deactivated, grass-seeded and planted. Deactivation needs to eliminate pickup access. Access will be dealt with through normal consultation on a project by project basis.

At the higher level more work on Access Management is required. For community fire safety each community needs more than one access/egress route. In order to safely access a fire and or evacuate from a fire a network of strategically located and day-lighted roads is required. This should be identified as landscape level fuel breaks and maintained to a standard for good access, allowing for some deactivation of the in block and tertiary roads to promote wildlife populations. This same network of day-lighted roads can also serve to compartmentalize the forest, to help prevent a fire from becoming a landscape level fire, such as was experienced in 2017 at Elephant Hill.

In 2019 the Canim Lake Band completed "*The South Canim Wildfire Management Plan*" to deal with these concerns in and around the main community.

### **Trail Management**

Trails will be managed via the consultation process. Fee for service field work will be required to locate, mark and GPS trails. Trails will be managed based on their importance and use. Importance and use will be determined by the Canim Lake Band.

### **Parks and Species at Risk (SAR)**

Existing parks are major landscape features and biodiversity reservoirs that provide for a host of values, habitat and our Aboriginal interests. Parks are, by definition, no-harvest zones.

Species at Risk (SAR) are protected by legislation. SAR will be managed by legislation, this SFSP, FSPs in general and through consultation on an individual cutting permit or project basis.

For SAR the Canim Lake Band requires a proactive SAR assessment on and around developments prior to industrial activities. This is in contrast to an approach that reacts to SAR, if and when they are encountered by chance.

## **Economic Accommodation**

Economic inclusion is a core value for the people of Canim Lake. Resources are fairly shared and no one is excluded.

The goal of the Tsq'escnem'c is to prosper by the sustainable use and stewardship of the land and resources within the Traditional Territory. Therefore a significant component of the Canim Lake Band's Aboriginal interest is present and future economic opportunities.

### **Revenue Sharing**

The Canim Lake Band's Traditional Territory is priceless and cannot be valued. However, each year it generates jobs, resources and wealth for those who live on it. Each year Canim's Traditional Territory also generates revenue streams for both the provincial and federal Crown. As is consistent with our Aboriginal Rights and Title the Canim Lake Band is entitled to a share of these revenue streams. This share is annual and eternal. Revenue streams need to be identified and valued, and then followed up with revenue sharing negotiations.

The provincial Crown's Forest Consultation and Revenue Sharing Agreement (FCRSA) model is the first step in this process of sharing the wealth, which provides a sharing of 3% of the stumpage to accommodate the Aboriginal Title interest of the Band. This share has risen to 5% with the signing of The Yecweminul'ecw Land and Resource Use Agreement.

The Yecweminul'ecw Land and Resource Use Agreement provides, at clause 2.3 (d), a future commitment for "opportunities for sharing resource revenues through the negotiation of further agreements". The agreement includes "7 Resource Revenue Sharing" for the identification of "potential resource-revenue sharing or socio-economic opportunities relating to land and resource development projects" including those associated with "the forest and range sector". The successful implementation of this plan requires the negotiation of further revenue sharing and accommodation agreements.

### **Forestry**

For forestry the Canim Lake Band must be included. We require a large area based forest tenure on which we can apply our own landuse plan and values (replace the CCLUP entirely). This tenure must also have an appropriate stumpage rate and provide for a level playing field compared to other community forest tenures.

The area for this tenure was identified over a decade ago, Canim's Key Interest Area (KIA). The Canim Lake Band does not consent to any further allocation or reallocation of timber volume into area based tenures within Snine Forest, or within Canim's entire Traditional Territory until the KIA forest tenure issue has been resolved to our satisfaction.

### **Recreation and Tourism**

Recreation and Tourism opportunities are of considerable economic interest to the Canim Lake Band. There are several initiatives underway within the community to develop opportunities.

In particular there are a number of key lakes that have been identified as critical for potential tourism opportunities, these are; Canim Lake, Bobb’s Lake, Bridge Lake, Deception Lake, Green Lake, Horse Lake, Howard Lake, Lac la Hache, Lang Lake, Mahood Lake, Murphy Lake, Pendelton Lakes and Sheridan Lake.

### **Mining, Carbon Credits, Utilities and Other**

Any other economic opportunities that come up will require deep consultation, consent and inclusion for the Canim Lake Band. For these type of activities Impact Benefit Agreements will be required.

### **Record of Versions**

1.0	April 2013	Original
2.0	April 2016	Revised for Aboriginal Title
3.0	March 2019	Revised for climate change (wildfire) and the new G2G agreement.
3.1	March 2021	Minor revisions to better align with Kenkeknem FSP.

### **Appendix 1 Maps**

Map 1.....	Canim Overview
Map 2.....	Strength of Claim
Map 3.....	NStQ Zones
Map 4.....	Archaeology and Trails
Map 5.....	Food Fishery, Connectivity Corridors and Watersheds
Map 6.....	Reserved Deciduous