

**File: 18045-30 / Keneknem Forest Tenures Ltd.**

**My rationale for a decision on the new FSP submitted by Keneknem Forest Tenures Ltd.**

**FSP ID# 871 submitted on April 21, 2021**

The Minister of Forests, Range, Natural Resource Operations and Rural Development (MFLNRORD) has delegated authority, through section 120.1(1) of the *Forest and Range Practices Act (FRPA)*, to me with respect to decisions concerning Section 16(1) of Act for the Forest Stewardship Plan (FSP), held by the Keneknem Forest Tenures Ltd. (Keneknem).

As the delegated decision maker, I am obligated to determine whether Keneknem FSP ID 871 has been submitted in accordance with Section 5 of the *Forest and Range Practices Act*. I am also obligated to evaluate whether the specified results and strategies are measurable and verifiable (*Forest Planning and Practices Regulation (FPPR) 1(2)*), and consistent with the government objectives (FPPR 25(1) & 25.1).

In making my determination in this matter, I have considered key material submitted by the proponent, and review materials developed by staff from the 100 Mile House Natural Resource District and the Cariboo Natural Resource Region. The materials I have reviewed, as they relate to Keneknem FSP ID 871 are summarised as follows:

- Proponent provided FSP text, maps and public review and comment documents the final edits of which were received on June 25, 2021.
- FLNRORD developed FSP Objectives Checklist – Cariboo Region (February 2020)
- Forest Stewardship Plan Content Review Checklist, Version 2.1, Appendix 2 of the Administration Guide for Forest Stewardship Plans, Volume 1, August 2009.
- Proponent provided First Nation information sharing record, April 2018
- FLNRORD developed First Nations consultation record, July 6, 2021.

In this document the term *Letter of Expectation*, is in reference to the joint District Managers letter released by the Cariboo Region on April 15, 2016. This letter set out the expectations decision makers asked forest licensees to consider when creating the content for their replacement FSPs.

The Forest Development Unit (FDU) covered by this FSP overlaps the Cariboo Chilcotin Land Use Plan (CCLUP). The FDU also overlaps the area covered by the Snine Forest, Stewardship Plan Version 3.1 (SFSP). This plan reflects the Canim Lake Band's (Canim) desire to protect Aboriginal interests over the core of Canim's traditional territory. While the SFSP is not an Objective Set by Government (OSBG) I have considered the information in this plan, and the FSP's holders desire to have the values in this plan reflected in forest management within the FSP for Keneknem's FNWL. I am supportive of Canim achieving the resource management objectives they have set out in their SFSP.

### **Forest Stewardship Plan Content**

I have determined that this FSP meets the content requirements of section 5 of FRPA and the plan is consistent with the timber harvesting rights granted by government as per section 5(2) (a) of FRPA.

- the plan includes a map in a scale and format that is satisfactory,
- the plan provides the boundaries for one Forest Development Unit FDU 1 which is the same as the boundary of Kenkeknem FNWL N11,
- the plan identifies results and strategies in relation to objectives set by government as required under FRPA 5(1)(b) and 5(1.1),
- the FSP is consistent with timber harvesting rights granted by government for the applicable FNWL,
- the FSP has been signed by the person required to prepare the plan as required by 5(3) FRPA.

### **Forest Stewardship Plan Conformity Requirements**

This FSP meets legislated conformity requirements. The plan proposes a five-year term effective from the date of approval as allowed under Section 6(1) (b) of *FRPA*.

### **Public Review and Comment**

Kenkeknem has completed the legislative requirements for public review and comment under FPPR section 22.2, as follows:

- (a) a copy of a notice was published in the 100 Mile Free Press newspaper and posted on several community notice boards in the Forest Grove and Canim Lake area starting March 8, 2018. The notices indicated that comments were available for comment to May 15, 2018, a period of approximately 67 days.
- (b) no written comments received during the comment period,
- (c) a description of the efforts to discuss the plan with affected First Nations has been provided. More detail can be found in the Kenkeknem FSP third party information sharing summary, dated April 29, 2021.

Kenkeknem has provided all the necessary information along with their FSP. I have determined that they have met the public review and comment requirements as prescribed in the *FPPR*.

### **First Nations**

Consultation with First Nations regarding the Kenkeknem FSP was completed in accordance with government direction. The level of consultation was appropriate given the agreements in place with First Nations, the information sharing efforts of the FSP holder, and the strength of aboriginal interests. Additional information can be found in the First Nations Consultation summary, dated July 6, 2021, and in the full consultation summary report within the digital ministry Consultation Record Tracking System (CRTS).

### **Definitions**

Definitions in an FSP are subject to any applicable approval test and may not be accepted if they do not meet the approval tests. I have reviewed the overall FSP definitions and how they are used in various

Results and Strategies throughout the KenkekneM FSP. I find that the use of the definitions is appropriate.

### **Results and Strategies Consistent with Objectives**

#### **4.1 Cultural Heritage Resources**

I am satisfied that the strategy for Cultural Heritage Resources (CHR) contained in the KenkekneM FSP will achieve the objective for Cultural Heritage Resources (FPPR s.10) and consistent with the Letter of Expectation.

This strategy relies on ongoing information sharing between the FSP Holder and First Nations. The strategy references a definition for Participating First Nations where they are First Nations or Bands that have a well-established and culturally or politically recognized Traditional Territory. Considering that definition the likely First Nations communities that meet this definition are the Canim Lake Band and Simcpw First Nation.

I find the results and strategies KenkekneM has proposed to be measurable verifiable and consistent with the objective.

#### **4.2 Soils**

For soils, KenkekneM has chosen to adopt the practice requirements of FPPR section 35 and 36 and provide alternative addition FSP content in the strategy, beyond the practice requirement.

I find the results or strategies KenkekneM has proposed to be measurable verifiable and consistent with the objective.

#### **4.3 Timber**

KenkekneM has included an objective for Timber. Under FPPR Sec 12(8) A person who is required to prepare a forest stewardship plan is exempt from the requirement to prepare results and strategies for an objective set by government for timber. KenkekneM has not proposed a result or strategy for this objective.

I find the results or strategies KenkekneM has proposed to be measurable verifiable and consistent with the objective.

#### **4.4 Wildlife**

KenkekneM has included an objective for Wildlife, as per FPPR Sec 7. However, there are no FPPR Sec 7(2) notices within the FDU. No result or strategy has been proposed.

I find the results or strategies KenkekneM has proposed to be measurable verifiable and consistent with the objective.

##### **4.4.1 Wildlife-Mountain Caribou**

Keneknem has correctly identified that no general wildlife measures (GWM) for Eastern Caribou overlap their FDU.

I find Keneknem's results and strategies relating to Eastern Caribou to be measurable and verifiable and consistent with OSBG along with the results and strategies found in 4.4.5 Wildlife-Species at Risk (SAR).

#### **4.4.2 Wildlife-Mule Deer**

Keneknem has adopted as a result or strategy the general wildlife measures (GMMs) specified for the applicable Government Action Regulation (GAR) for Ungulate Winter Rages (UWR) U-5-003.

I find Keneknem's results and strategies relating to Mule Deer to be consistent with the above mentioned UWR.

#### **4.4.3 Wildlife-Moose-High Value Wetlands**

Objectives for Moose have been set by government (OSBG) in the CCLUP and Land Act Order (LAO) Objective 32. Keneknem has included Results or Strategies that retain security and thermal cover around High Value Moose wetlands consistent with OSBG.

Conditions for security and thermal cover were provided in several FSP extension which set expectations around targets for thermal and security cover, for FSP holders in the Cariboo region. Keneknem has reflected some of those expectations in the result and strategy for Moose.

The CCLUP also identified Access Management as necessary to maintain moose habitat. Keneknem has written strategies to limit construction of roads near wetlands, as well as putting a cap on road densities within 1000 meters of a high value moose wetland. This is a step towards addressing cumulative effects as identified in the Letter of Expectation.

I find Keneknem FNWL's results and strategies relating to moose to be measurable and verifiable and consistent with OSBG.

#### **4.4.4 Wildlife-Grizzly Bear**

The FSP result and strategy for Grizzly Bear is consistent with the LAO Objectives 33 and 34 to retain security cover and maintain berry production. Keneknem FNWL has committed to have a QRP conduct an assessment when prescribing silviculture treatment to retain existing natural berry production until free to grow.

I am comfortable that the result and strategy is measurable and verifiable and consistent with the objectives.

#### **4.4.5 Wildlife-Species at Risk (SAR)**

Keneknem has provided one specific Result or Strategy for Species at Risk, in contrast to the list of OSBG, required to be addressed by FSP holders, provided by the Cariboo DDMs. This is a departure from

other FSPs approved in the Cariboo Region, which included both a general Species at Risk and several individual species-specific result or strategies in their plans. Keneknem has undertaken an extensive exercise to identify likely species at risk within the area covered by their FDU, recommended standard buffers or other management recommendations, by a QRP and included that as a referenced appendix in the FSP. The Result or Strategy also has an assessment procedure to identify likely species at the cutblock level, needs for assessment, and implements the required buffer from the appendix or implement a further assessment by a QRP and commits to implementing their recommendations.

While a departure from the list of OSBG supplied to FSP holders in the Cariboo Region, I find that the approach taken by the FSP holder to meet the intent of the Cariboo Chilcotin Land Use Plan objective established for Species at Risk and to be measurable and verifiable.

#### **4.4.6 Wildlife-Furbearers**

Keneknem has provided a result or strategy for Furbearers and is consistent with the CCLUP objectives for Furbearers. Expectations were communicated to FSP preparers around the tools now available for Fisher management. Within the Furbearers objective Keneknem has not indicated they will use the fisher habitat tool in planning development. However, Objective 4.4.6 Species at Risk includes a result or strategy that will require Keneknem to review all available information when planning for species at risk, and this is expected to include fisher.

Keneknem has also included an objective around coarse wood debris and adopted the default practice from FPPR Sec 68.

I find Keneknem results and strategies relating to Furbearers to be measurable and verifiable and consistent with OSBG.

#### **4.5 Water, fish, wildlife, and biodiversity in riparian areas**

I am satisfied that the result or strategy for Water, fish, wildlife and biodiversity in riparian areas in the Keneknem FSP is consistent with the objective specified in FPPR Section 8.

##### **4.5.1 Fish Habitat in Fisheries Sensitive Watersheds**

I am satisfied that the result or strategy for Fisheries Sensitive Watersheds in the Keneknem FSP is consistent with the objective specified in FPPR Section 8.1.

##### **4.5.2 Water in Community Watersheds**

I am satisfied that the result or strategy for Community Watersheds in the Keneknem FSP is consistent with the objective specified in FPPR Section 8.2.

##### **4.5.3 Riparian-Critical Fish Habitat**

Keneknem has written strategies consistent with LAO Objective 12 and 13. I note that even though the LAO permits exemptions for essential for insect control and fuel mitigation, Keneknem has not included those in the FSP.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objective and the LAO.

#### **4.5.4 Riparian-Salmon**

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objective.

#### **4.5.5 Riparian-Lakes Management**

Keneknem has written strategies consistent with LAO Objective 16, 17, 18, 19 and 23.

Keneknem has also included strategies which allow for harvesting essential for insect control and fuel mitigation work to occur within Lakeshore Management Zones.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objectives and the LAO.

#### **4.5.6 Riparian-Reserve and Management Zones**

Keneknem is complying with sections 47-51, 52(1)(2), 53 and 55 to 57 of the FPPR. Result or Strategies consistent with LAO Objective 20, 21, and 22 has been included. Strategies are also included to sufficiently protect small streams, through enhanced riparian retention or machine free zones on S1, S2, S3 and S4 streams. Additional protection has not been proposed for S5 and S6 streams within the FSP. However, the SFSP has both food fisheries and connectivity corridors which are focused on riparian corridors. Keneknem has included a strategy allowing for harvesting in cases of essential for insect control in riparian areas. I am satisfied that the level of proposed retention and required assessments is adequate to protect riparian areas.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objective.

#### **4.5.7 Riparian-Watershed Hydrologic Stability**

Keneknem has written Results and Strategies to undertake Hydrologic Assessments in Key Watersheds (Bridge Creek) when the ECA is greater than or equal to 25% to assess and provide recommendations to maintain Hydrologic Stability.

I find the results and strategies Keneknem has proposed to be measurable, verifiable, and consistent with the objective.

### **4.6 Wildlife and Biodiversity at the Landscape Level-Seral, Patch and Connectivity**

Keneknem has written Results and Strategies consistent with the CCLUP Objective and Letter of Expectation Update #2 for Landscape Level Biodiversity, and the Regional Biodiversity Conservation Strategy Update Note #4. Keneknem has included plan content for Seral Stage, Patch size as well as maintaining Natural Connectivity. I note that analysis to generate starting numbers for seral and patch assessment units, will only be conducted once per the term of the FSP, and then updated based on planned harvest. Due to size and the exclusivity of the FNWL within the FDU I find this frequency of analysis for these values to be appropriate.

I note that Keneknem has been approved for Proportional Targets for Seral Stage, through FRPA Section 9 and FPPR Section 19. These proportional targets have been reviewed by ministry staff and included as an appendix in the FSP.

As part of the result or strategy Keneknem has included a definition of **Third Party Influences**. While I recognize the Canim Lake Band desires Keneknem's tenure to be free from the influence of other tenure holders, my approval of this definition in the FSP will not accomplish these actions. Nor do I have the legislative ability to approve this definition, as it does not meet the legislative tests in FPPR Section 25(1) for the result or strategy to be consistent with the OSBG. I note that use and approval of proportional objectives for seral stage does address some of the issues noted in this definition.

In my decision letter I have included a condition that the definition for **Third Party Influences** is not accepted in the FSP.

#### **4.7 Wildlife and Biodiversity at the Landscape Level-Old Growth Management Areas (OGMA)**

Keneknem has written results and strategies consistent with the CCLUP Objectives for Wildlife and Biodiversity at the Landscape Level, Old Growth Management Areas (LAO Objectives 8, 9, 10, and 11). These results and strategies are also consistent with the Letter of Expectation Update #2 for Landscape Level Biodiversity. Content is included that addresses entry into Old Growth Management Areas where harvesting is essential for insect control and when harvesting is conducted within Primary and Interface Fuel breaks, in line with the FSP's definition for fuel management.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objectives set by government.

#### **4.8 Wildlife and Biodiversity at the Stand Level**

Keneknem has provided a result or strategy that meets the FPPR Section 9.1 Practice Requirements for retaining Wildlife Trees.

Keneknem has written Results and Strategies consistent with the LAO Objectives 6 and 7. Plan content for selecting areas suitable for wildlife tree retention consistent with FPPR Schedule 1 Factor 3(2) has been included.

I find the results and strategies Keneknem FNWL has proposed to be measurable verifiable and consistent with the objective.

#### **4.9 Visual Quality**

Keneknem has submitted a result or strategy consistent with FPPR Sec 9.2 OSBG for visual quality in scenic areas.

Keneknem has submitted a result or strategy consistent with LAO Objectives 26, 27, 28, and 29. The FSP contains suitable content that will allow harvesting that is essential for insect control and reduction of fuels in Primary and Interface Fuel Mitigation Polygons. Consistent with the 2018 LAO amendment, Keneknem has included appropriate plan content for salvage harvesting in severely burned scenic areas.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with this objective.

#### **4.10 Wildcraft, Maintain and Roded Access**

I am satisfied that the strategy for Wildcraft contained in the Keneknem FSP is consistent with the CCLUP objective. Keneknem's strategy will provide First Nations, stakeholders, and the public who may be impacted by access management activities adequate time to have input into plans.

I find the results and strategies Keneknem FNWL has proposed to be measurable verifiable and consistent with the objective.

#### **4.11 Tourism**

I am satisfied that the strategy for Tourism contained in the Keneknem FSP is consistent with the CCLUP objective. Keneknem's strategy will provide tourism operators who may be impacted by proposed development adequate time to have input into plans.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with this objective.

#### **4.12 Recreation Sites, Trails, Interpretive Forests and Buffered and Non-Buffered Trails**

I am satisfied that the strategy for Interpretive Forest Sites, Recreation Sites and Recreation Trails contained in the Keneknem FSP is consistent with the objective for Interpretive Forest Sites, Recreation Sites and Recreation Trails (FRPA s.180 and 181).

The Keneknem has written Results and Strategies consistent with the LAO Objectives 30 and 31. Keneknem has included plan content for when harvesting is necessary to remove blowdown, in cases



of essential for insect control and appropriate plan content for when harvesting is required within Primary and Interface Fuel Breaks, within the management zones of Buffered trails.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objective.

#### **4.13 Grassland Benchmark**

Keneknem has included results or strategies that aim at maintaining grassland habitats consistent with LAO Objective 25, by not proposing any blocks or roads within these areas. While there are grassland benchmark areas within the FDU they do not constitute any significant area.

I find Keneknem's results and strategies relating to Grassland Benchmarks to be measurable and verifiable and consistent with OSBG.

#### **4.14 Range-Grazing**

I am satisfied that the strategy for Grazing, in combination with the measures to mitigate the effect of removing or rendering ineffective natural range barriers contained in the Keneknem FSP is consistent with the CCLUP objective.

I find the results and strategies Keneknem has proposed to be measurable verifiable and consistent with the objective.

#### **5.1 To Mitigate Effects of Removing or Rendering Ineffective Natural Range Barriers**

I find the measures that Keneknem has included in their FSP to be consistent with the requirements contained in FRPA s 48 and adequate to mitigate the effects of removing or rendering ineffective natural range barriers. Keneknem's measures will provide range tenure holders who may be impacted by proposed development adequate time to have input into plans.

#### **5.2 To Prevent the Introduction or Spread of Invasive Plants**

I find the measures that Keneknem has included in this FSP to be consistent with the requirements contained in FRPA s 47 and adequate to reduce the introduction and spread of invasive plants.

### **6 Silviculture**

#### **6.1 Stocking Standards**

Keneknem Stocking Standards have been reviewed by district stewardship staff. I am satisfied with the standards contained within the FSP.

**District Manager Letters of Expectation Regarding Forest Stewardship Plans– Additional Comments:**

In April 2016, the Delegated Decision Makers (DDMs) responsible for administration of FSPs in the Cariboo Region distributed a Letter of Expectation to holders of FSPs to describe DDMs expectations for FSP content.

Forest Licensees and BCTS were encouraged to develop a consolidated spatial operational plan to help First Nations, stakeholders, and the public to meaningfully engage with licensees. To date Keneknem has not chosen to participate in this consolidated spatial operational plan. The FSP does have several results and strategies that support enhance and detailed referral processes and other method of engagement with stakeholders and the public about their forest activities in the FDU.

The DDMs expected that Keneknem includes a comprehensive description of initiatives undertaken to collaborate with First Nations. I have reviewed Keneknem FNWL's information sharing summary, and their efforts made to engage with First Nations. This information sharing included letters of support, of the FSP, from both the Canim Lake Band and Simpcw First Nation I am satisfied with Keneknem FNWL's efforts and their response to comments received.

The DDMs expected Licensees and BCTS to engage with holders of other crown granted tenures beyond a simple newspaper advertisement. I am satisfied with the level of engagement Keneknem FNWL has completed, with tenure holders. I recognize their efforts to not only publish notice in the local newspaper, but also provide opportunity for comment on local notice boards and their website. Furthermore, Keneknem has included meaningful plan content to collaborate with Range, Tourism, Recreation, Guide Outfitter Tenures, and Trapping Tenure Holders where their tenured rights may be impacted. Keneknem has also included a dispute resolution clause that involves representatives of the Canim Lake Band to provide arbitration and mediation, and that Keneknem will implement the results of those discussions.

Plan content to maintain the species composition and stand structure of Dry belt Douglas fir stands was expected by the DDMs. Keneknem did not provide any specific plan content to maintain or enhance Douglas fir ecosystems. Keneknem's FDU does not include much dry-belt fir stands as many other areas of the Cariboo do. Although there is no objective specific to Dry belt Douglas fir, I expect Keneknem to manage these ecosystems to maintain appropriate stand structure and species composition that will maintain and enhance timber production, wildlife habitat, forest health, fire resiliency, and forage production.

An updated expectation document was provided to licensees and BCTS for transitioning to green timber profiles, specific to defining criteria for salvage. Keneknem has adopted the salvage criteria into several results and strategies as per the DDMs expectations.

There is no specific plan content for cumulative effects at the landscape level however plan content for grizzly bear, moose, marten, hydrology, and biodiversity has substantially improved from the previous FSPs in the region. While Keneknem did not include specific result or strategy information specific to cumulative effects, they did include plan content that reflects the Canim Lake Band's SFSP. The SFSP includes themes and requirements similar to those in the ministries cumulative effects framework. I

expect that Keneknem will look for opportunities to use cumulative effects tools during forest planning, including those result or strategies responding to the SFSP.

The DDMs expected plan content to address road densities and access management at the landscape level. I note that Keneknem has included an objective specific to Wildcraft, Backcountry and Roaded Access. Keneknem has also included plan content for road and access in several objectives related to Wildlife (specifically Moose), and Riparian-Lakes. Considering this, is it my expectation that Keneknem will take a lead role on further Landscape Level Access Management Planning projects, in the area covered by this FSP, reflecting their status as an area-based tenure.

### **Declared Areas**

The Keneknem FSP does not have any declared areas under previous FSPs. This FSP does not included any declared areas as part of this submission.

### **Determination**

Based on my review, I have determined that the submitted plan has been prepared in accordance with Section 5 of FRPA and regulations.

Accordingly, as the statutory decision maker under section 16 of FRPA, I hereby approve your FSP. The term of the plan is 5 years commencing on July 28, 2021.

While the plan has met requirements and is approved, I have identified some opportunities for improvement and expect the Keneknem to work towards these improvements over the next five years. I encourage Keneknem to remain responsive to the changing landscape and the diverse demands and pressures being placed on the forest resource and to contemplate amendment changes that will lead to improved forest management outcomes.

It would be reasonable for the Keneknem to expect further guidance and direction on the application of Cumulative Effects tools, ECA assessments, and evolving Species at Risk statuses. In addition, the existence of the Canim Lake Band's SFSP and inclusion in the plan as part of new Land Use Planning is something both the ministry and the Canim Lake Band will be working towards in terms of broader recognition of Canim's rights and title and furthering reconciliation.

I want to recognize Keneknem for all the hard work they undertook to get their FSP to the point it is at. I acknowledge that this task is very daunting considering the Cariboo Chilcotin Land Use Plan and increasingly so for smaller tenure holders. I recognize that this FSP reflects the requirements of provincial legislation but was unable to incorporate the objectives of the Canim Lake Band from the SFSP. I am hopeful that upcoming changes to FRPA will allow for venues for First Nations like Canim to have their vision for management of forest resources in their territory fully reflected in the OSBG for not only Keneknem's FSP but for all FSP holders. I also acknowledge that a lot of attention has been placed on FSP's because of recent Forest Practices Board Audits and public complaints. I am convinced that this FSP responds well to those concerns to within the legal framework. I know Keneknem worked hard and

I commend them for the effort and dedication they demonstrated through the FSP replacement process over the past three years.

A handwritten signature in black ink, appearing to read 'Pat Byrne', with a stylized, sweeping flourish extending to the right.

Pat Byrne, District Manager  
100 Mile House Natural Resource District