



Dehcho Land Use Planning Committee

June 28, 2023

Mr. Jackie Jacobson, Chair
Standing Committee on Economic Development and Environment
Government of the Northwest Territories
Via Email: Committees@ntassembly.ca

RE: DLUPC Review of Bill 74: Forest Act

Mr. Jacobson,

Thank you for the invitation to review and comment on Bill 74: Forest Act. The Dehcho Land Use Planning Committee (DLUPC) has reviewed the bill and provides the following comments for your consideration.

It is currently intended that the Interim Dehcho Land Use Plan (IDLUP) will be approved and implemented as a legally binding land use plan in advance of a Dehcho Final Agreement. The Plan will be implemented through a combination of measures, including potentially, GNWT legislation, land withdrawals, and binding policy direction to Land and Water Boards. The IDLUP includes zones that will restrict commercial timber development in some areas, once the plan is approved.

Currently Bill 74 does not speak to the authority of approved and legally binding land use plans to restrict the Minister or Forest Superintendent to authorize the use of forest resources. This could create a conflict between approved land use plans and the new Forest Act and its regulations. The GNWT should consider adding, where appropriate, "approved land use plans" (whether given legal authority under Lands, Resources and Self-Government Agreements, or under proposed GNWT legislation, land withdrawals, or binding policy direction to Land and Water Boards) to sections that reference the authority of "land, resources and self-government agreements".

The attached table identifies specific sections where revisions may be required to address these potential conflicts. We would be happy to discuss these comments with the Standing Committee and answer any questions you may have.

Please follow up with Heidi Wiebe, Executive Director at (867) 447-0961 or exdirdlupc@dehcholands.org as required.

Mahsi,

A handwritten signature in blue ink, appearing to read 'Herb Norwegian', with a large, stylized initial 'H'.

Herb Norwegian, Vice-Chair
Dehcho Land Use Planning Committee

Detailed Review of Bill 74: Forest Act

Section of the Bill 74 – Forest Act	Comment / Consideration
<p>4. An action or thing authorized by this Act or the regulations must be carried out in accordance with any applicable land, resources and self-government agreement and the applicable required role, if any, given to any boards and councils established under any land, resources and self-government agreement.</p>	<p>If the Dehcho Land Use Plan is approved and legally binding and being implemented in advance of the Final Dehcho Agreement as is currently being envisioned, then actions and authorizations would need to be carried out in accordance with the plan. Recommendation: Consider adding “approved and legally-binding land use plans” to this clause (not just land, resources and self-government agreements). This same comment may be applicable to other clauses in Bill 74 referencing land, resources and self-government agreements (e.g. S. 5?)</p>
<p>23. (1) The Forest Superintendent shall, in accordance with any applicable land, resources and self-government agreement (a) assess and manage the sustainability of forest resources; and (b) authorize the use of forests within a framework of sustainable forest management.</p>	<p>This clause needs to reference approved and legally-binding land use plans as binding on the Forest Superintendent’s authority to authorize the use of forests (b). They could not authorize any use of forests in zones where such use is prohibited under an approved land use plan.</p>
<p>48. (1) In this section, "mill" means a facility in which timber or biomass is processed, including saw mills, pulp mills and biomass mills. (2) The Forest Superintendent may, in accordance with any applicable land, resources and self-government agreement or forest management committee establishment agreement, issue permits and licences in accordance with the regulations that authorize a person to (a) cut timber; (b) clear forest; (c) transport timber; (d) import or export timber; (e) burn flammable material; (f) harvest or use forest resources other than timber; (g) conduct research respecting forests or forest lands; (h) conduct programs or activities respecting the management of forests; (i) operate a mill; (j) scale timber; (k) manage, administer and operate a community woodlot; or (l) undertake any other activity specified in the regulations.</p>	<p>Subsection (2) needs to reference approved land use plans (not just land, resources and self-government agreements and forest management committee establishment agreements). Commercial timber operations will be restricted in some areas under the IDLUP, and will be legally binding on the Forest Superintendent.</p>