

WHAT WE HEARD

A Forest Act for the NWT

February, 2023

Government of
Northwest Territories



If you would like this information in another official language, call us.

English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

Kīspin ki nitawih̄tīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tłıchq̄ yatı k'èè. Dı wegodi newq̄ dè, gots'ō gonede.

Tłıchq̄

ʔerih̄t'is Dēne Sų́nė yatı t'a huts'elkēr xa beyáyatı theᓯᓯ ᓯat'e, nuwe ts'ēn yóttı.

Chipewyan

Edı gondı dehgháh got'je zhatıé k'éé edat'éh enahddhę nıde naxets'é edahí.

South Slavey

K'áhshó got'jne xədə k'é hederı ʔedjht'é yerııwę nıde dúle.

North Slavey

Jii gwandak izhii ginjık vat'atr'ijáhch'uu zhit yınohthan jı', diıts'at ginohkhii.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqłuta.

Inuvialuktun

Ć^bđ< ǀǀ^{sb}Δ^c ǀǀLJΔ^{rc} Δ^{sb}ǀǀǀǀ^cǀǀǀǀ^b, ǀǀ^cǀǀ^aǀǀ^c ǀǀ^bǀǀ^aǀǀ^{sb}ǀǀ^c.

Inuktitut

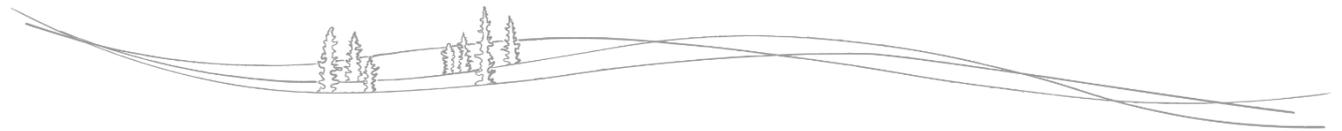
Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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Table of Contents



| | |
|---|---|
| | 1 |
| Introduction | 2 |
| Why is a new Forest Act needed?..... | 2 |
| How did we gather information? | 3 |
| Summary of what we heard:..... | 3 |
| 1. Public participation | 3 |
| 2. Environmental and Social Principles of the Act | 3 |
| 3. Definitions..... | 4 |
| 4. Forest Ecosystem Management Plans and Forest Monitoring..... | 4 |
| 5. Appeals..... | 4 |
| 6. Development of Regulations..... | 5 |
| What are the next steps?..... | 5 |
| Contact..... | 5 |

Introduction

The Government of the Northwest Territories (GNWT) is developing a new Forest Act to amend and combine the existing *Forest Management Act* and the *Forest Protection Act*. The new legislation, which has been created in collaboration with Indigenous governments and Indigenous Organizations, will include mechanisms for cooperative management, monitoring and protection of forests in the Northwest Territories (NWT).

Why is a new Forest Act needed?

The *Forest Management Act* and the *Forest Protection Act* were enacted over 30 years ago. Over time, it has been recognized that both Acts required amendment to address regulatory gaps, address needs and values of the public, and better align with land, resources and self-government agreements and land use planning.

If passed, the new *Forest Act* will combine and enhance what is today covered by the *Forest Management Act* and *Forest Protection Act*.

Key measures in the proposed legislation seek to:

- Support the health of the forest ecosystems for all NWT residents.
- Meet the obligations of all existing treaties and agreements – and work towards implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
- Reflect and implement the well-established co-management approach we have built together with Indigenous governments and Indigenous organizations under land, resource, and self-government agreements.
- Put adaptive management into action to ensure the latest knowledge and understanding of Northern forests is used to make decisions.
- Include measures which would empower Indigenous governments and Indigenous organizations to enter into agreements in their areas on commercial timber opportunities to provide sustainable economic opportunities.
- Put us in a good position to address current and future pressures on forest resources and employ an ecosystem-based approach to forest management.
- Make long-term forest harvest authorizations available.
- Maintain momentum in the ongoing devolution implementation process.
- Include management of non-timber forest products, such as mushrooms.
- Require Forest Ecosystem Management Plans to be completed where Forest Management Agreements are being established.

- Support and enhance our approach to wildfire management to reflect current challenges, climate change and the most modern best-practices.
- Require industry to produce fire prevention plans.
- Enable new regulations for fees, charges, fines and offences in-line with northern regulatory practices and forestry practices in other jurisdictions.
- Redefine, clarify, and modernize terminology.

How did we gather information?

The GNWT asked for public feedback on the draft Forest Act through its website and social media in November and December 2022. During this time, the GNWT received one submission from the public.

Summary of what we heard:

1. Public participation

WHAT WE HEARD

There is interest in opportunities for public participation and input when the GNWT develops new legislation, including how forest management related activities are implemented when the new Act is made law. We heard that the public should have the ability to participate in the development of Forest Ecosystem Management Plans (FEMPs), to review and comment on forest management agreements, and that a public registry should be created to allow for greater transparency and participation in decision making.

OUR RESPONSE

The Forest Act Bill enables the creation of FEMPs and forest management agreements and authorizations. Further details on what will be included in FEMPs, and what will be required in plans, agreements and authorizations will be set out in the new Act's Regulations. These will be developed after the Act is enacted. The GNWT will ensure there are public engagement opportunities in the development of the Regulations. Large forestry operations will require a land use permit, which are captured in an existing public registry.

2. Environmental and Social Principles of the Act

WHAT WE HEARD

There is interest in ensuring that the principles included in the Statement of Environmental Values (SEV) are reflected in the new Forest Act.

OUR RESPONSE

The concepts in the Statement of Environmental Values (SEV) are included in the proposed bill. This includes provisions ensuring sustainability, preserving ecosystem integrity, ensuring forests provide benefits for future generations, and recognizing the rights of Indigenous peoples.

The Statement of Environmental Values sets out the GNWT's commitment to the environment and to ensuring its accountability for decisions that could significantly impact the environment.

The GNWT has been working with the Department of Executive and Indigenous Affairs to develop a guide that will support departments in completing an SEV factors section, which is being added to submission templates.

The GNWT will ensure the principles and provisions of the Statement are considered when decisions are being made that could significantly affect the environment.

Each Deputy Minister is responsible for implementing the SEV, while the Deputy of ENR is responsible for GNWT-wide monitoring of its implementation.

3. Definitions

WHAT WE HEARD

Suggestions were made regarding the definitions of forest, ecosystem services, and forest resources, and the possible addition of additional terms.

OUR RESPONSE

The GNWT has worked together with the TWG to ensure the scope and wording of definitions presented in the bill are appropriate.

4. Forest Ecosystem Management Plans and Forest Monitoring

WHAT WE HEARD

Interest was expressed in understanding how the public will be informed about what kind of forest monitoring is occurring, and how it relates to FEMPs. There was support for ensuring that monitoring is taking place regarding carbon sequestration, climate change indicators, and cumulative effects. Input was received that FEMPs should be required before harvesting takes place, and that FEMPs should be required to address sustainability, ecological integrity and cumulative effects.

OUR RESPONSE

The GNWT currently publishes annual reports and newsletters on forest health monitoring, including results from annual surveys.

The GNWT also publishes the NWT State of the Environment report every four years that tracks important ecosystem health indicators, including indicators related to fire, forests, vegetation and cumulative impacts.

In the proposed bill, FEMPs will be required in advance of harvesting in forest management agreement areas, and the FEMPs will address sustainability, ecological integrity and cumulative effects.

5. Appeals

WHAT WE HEARD

There was concern that individuals are unable to appeal decisions of the Superintendent, and that the proposed appeals process for agreements is not consistent with the *Mineral Resources Act*.

OUR RESPONSE

The proposed bill includes a right to appeal a decision of the Forest Superintendent. An appeal can be made by Indigenous governments, Indigenous organizations, renewable resources boards, renewable resource councils, and a forest management committee if no board or council is in place. The right to appeal is consistent with these groups' interest in land use within their asserted or established traditional territories.

6. Development of Regulations

WHAT WE HEARD

We heard that the public should have the ability to meaningfully participate in the development of the Regulations. There was interest in how stumpage and other fees and charges will be set, and in the requirements for FEMPs.

OUR RESPONSE

The GNWT is committed to working with Indigenous governments, Indigenous organizations, boards, stakeholders and the public during the regulation drafting process.

What are the next steps?

We have identified 3 next steps) :

1. The Bill will be introduced in the Legislative Assembly in the February/March sitting of 2023.
2. Once the bill is introduced, it is expected that the Standing Committee of the Legislative Assembly will hold a 120-180 day review period. This will provide an opportunity for further input on the draft legislation.
3. The GNWT is committed to working with Indigenous governments, Indigenous organizations, boards, stakeholders and the public during the regulation drafting process.

Contact

If you have any questions or about this report, you can contact:

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