

# WHAT WE HEARD

## Forest Act

Department of Environment and Natural Resources





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## 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, being created in collaboration with Indigenous governments, will include mechanisms for cooperative management, monitoring and protection of forests in the Northwest Territories (NWT).

As part of this process, the Department of Environment and Natural Resources (ENR) solicited public feedback on the proposed Forest Act through its website and social media. During this time, ENR received four submissions from members of the public and small business owners. ENR has discussed what we heard during the public engagement with Indigenous governments and organizations with whom ENR has been working in collaboration to develop this legislation.

A summary of the comments received is reflected under the following nine themes:

1. Combining the *Forest Management Act* and the *Forest Protection Act*
2. Interaction with treaties, land claims and land use plans
3. Sustainable forest management
4. Management of non-timber forest products
5. Agriculture
6. Fire prevention plans
7. Jurisdictional review and technical experts
8. Engagement process
9. General

## Summary of Comments Received

### 1. Combining the *Forest Management Act* and the *Forest Protection Act*

#### 1.1. What we heard

An individual expressed concern that there could be a perceived conflict of interest stemming from ENR's approach of combining the *Forest Management Act* and the *Forest Protection Act* into the new Forest Act. The question was raised with regards to how the new Forest Act will prevent the lines from becoming blurred between protection/conservation and management/enforcement.

#### 1.2. ENR response

The Forest Act is a unique type of legislation. Through the lens of sustainable forest management, the Act aims to balance social, cultural, environmental and economic interests.

The Forest Act deals with environmental conservation, forest health, protection and action on wildfires, forest authorization and regulation, the maintenance of ecological integrity and sustainable use of the forest. Traditional and local knowledge are also recognized as an important part of planning and decision making.

The Forest Act will allow the GNWT to continuously improve the management of forests while allowing access to development for NWT residents and industries.

## **2. Interaction with treaties, land claims and land use plans**

### **2.1. What we heard**

There were questions from members of the public about whether or not the Forest Act would introduce the potential for conflict with treaties, land claims (settled or in negotiation) or current land use plans with regards to forest management.

### **2.2. ENR response**

A Technical Working Group (TWG) comprised of Indigenous governments and organizations was engaged in a collaborative process throughout the development of the Act. The Forest Act reflects the guidance and input from the TWG to ensure that Aboriginal and treaty rights are recognized in the Act.

The Forest Act addresses the need for a cooperative and collaborative approach towards the management of forests, and the draft legislation was designed to ensure actions carried out are in accordance with land, resource and self-government agreements and that the prescribed roles of renewable resource boards are identified.

## **3. Sustainable forest management**

### **3.1. What we heard**

An individual questioned how the Forest Act will address sustainable forest management and planning, to ensure forests will be maintained for future generations.

### **3.2. ENR response**

The Forest Act will mandate responsibility for sustainable forest management to ENR. Through the lens of sustainable forest management, the Forest Act aims to balance social, cultural, environmental and economic interests.

The Forest Act deals with environmental conservation, forest health, protection and action on wildfires, forest authorization and regulation, the maintenance of ecological integrity and sustainable use of the forest. Traditional and local knowledge are also recognized as an important part of planning and decision making. Forest management will be carried out in a cooperative and collective manner with Indigenous governments and renewable resource boards.

Adaptive management will be a key tool to ensure responsiveness to changes in northern forests. The Forest Act allows the GNWT to continue to grow as stewards of forests and continuously improve the management of forests while allowing access to development for NWT residents and industries.

## **4. Management of non-timber forest products**

### **4.1. What we heard**

Comments were received from the public with regards to how the Forest Act will manage and regulate non-timber forest products for personal use, and to ensure sustainable harvest practices.

### **4.2. ENR response**

The Forest Act enables a permitting regime for the commercial harvest of non-timber forest products, and will empower ENR to enact regulations to define which non-timber forest products will require permits. Permits issued under the Forest Act may be subject to terms and conditions to coincide with

best practices for the commercial harvesting of non-timber forest products and to ensure sustainable use.

ENR is not proposing to regulate the personal use of non-timber forest products in the Forest Act.

## **5. Agriculture**

### **5.1. What we heard**

An individual questioned whether small scale vegetable production endeavors would be considered forestry or agriculture under the Act.

### **5.2. ENR response**

Within the Forest Act, agriculture (which includes vegetable production) falls under the definition of “industrial activity”.

Industrial activities may require permits if it is determined production creates a risk for starting wildfires. Permits issued under the Forest Act for large scale industrial activities may require wildfire prevention and management plans and/or hazard assessments to coincide with best practices for industrial activities in forests. The regulations will identify which industrial activities require plans and assessments.

ENR is not proposing to regulate small scale vegetable production endeavors specifically under the Forest Act.

## **6. Fire prevention plans**

### **6.1. What we heard**

Comments were received expressing concern that while requiring industry to produce fire prevention plans is a good concept, it could add an increase in costs to doing business in the NWT. There was a specific question as to whether or not a fire prevention plan would be needed for each specific site where an industrial activity covered under the Forest Act is performed.

### **6.2. ENR response**

Fire prevention plans, as and when required under the Forest Act, will be site-specific. Fire prevention plans are not a new concept in the Northwest Territories; ENR has existing Forest Fire Prevention and Suppression Guidelines for Industrial Activities, which the Forest Act will incorporate. The Forest Act will empower ENR to enact regulations pertaining to fire prevention plans and may include exemptions for some activities.

## **7. Jurisdictional review and technical experts**

### **7.1. What we heard**

An individual recommended that ENR consult with other legislators in Canada, the United States, and globally to ensure the Forest Act is a comprehensive piece of legislation. An additional comment suggested it was critical for ENR to ensure that developers of the Forest Act have knowledge of the NWT forest ecosystem.

## **7.2. ENR response**

ENR completed jurisdictional reviews to identify best practices throughout the country with regards to forest, wildfire and enforcement legislation. ENR forest and wildfire technical experts were involved in the collaborative process with the TWG to guide the development of the Forest Act to ensure those best practices were reviewed and, where appropriate, adapted to include local and traditional knowledge and input, thus ensuring the Forest Act is a made piece of legislation made in and for the NWT.

## **8. Engagement process**

### **8.1. What we heard**

Comments were received from the public questioning ENR's engagement process. In particular, questions were asked pertaining to who was engaged and how the timeline for engagement was communicated. Additional questions were related to how individuals can participate in the future development of regulations for the Forest Act, the need for engagement with Indigenous governments and organizations, as well as other GNWT directorates, and how the Forest Act will address the values of NWT residents.

### **8.2. ENR response**

ENR has been engaging extensively on the development of the Forest Act over the last two years, including through the meetings with the TWG who assisted in the collaborative development of drafting instructions for the Forest Act.

A Stakeholders Advisory Group consisting of non-government organizations, regulatory boards and industry representatives, was also established to facilitate discussion on the development of the Forest Act.

ENR conducted an intergovernmental review with other GNWT departments and provided an opportunity for those departments to provide comment, feedback and recommendations towards the development of the Forest Act.

Public engagement took place in November and December 2018. This What We Heard report reflects the comments and questions that came out of that process.

All feedback and comments were reviewed by ENR and carefully considered for incorporation into the draft legislation, where appropriate.

## **9. General**

### **9.1. What we heard**

An individual commented that the content provided during the public engagement on the Forest Act was too high-level, vague and general.

### **9.2. ENR response**

The intent of the public engagement process was to seek input and feedback on the direction and high level concepts ENR was proposing to include in the Forest Act, so that feedback could be considered and incorporated if and when appropriate, prior to completing the drafting of the bill.

## Next Steps

The Standing Committee for the Legislative Assembly will conduct its review of the bill following the processes defined by the Committee. That process may involve further public engagement.