

Post-devolution: Why do we need new legislation?

Our current legislation needs updating. The proposed new legislation and amendments are required to bring GNWT law in line with the authorities received through devolution, to help give the GNWT a legislative base to better integrate environmental protection with economic and social needs, and to ensure the GNWT is using the most current and comprehensive legislative tools to manage lands and resources.

A thriving economy for the Northwest Territories starts with our most important and cherished resources: our land, water and air. Our collective efforts across a suite of legislation will result in a made-in-the-NWT model that better integrates environmental protection with economic and social needs, while respecting Aboriginal and treaty rights.

ENR is in the process of developing five new or amended pieces of legislation:

- *Environmental Rights Act (amended)*
- *Forest Act (new)*
- *Protected Areas Act (new)*
- *Environmental Protection Act (amended)*
- *Waters Act (amended)*

The new and amended pieces of legislation will address feedback brought forward by Indigenous governments and organizations, stakeholders and the public. They will help us to design and implement an effective regulatory process by increasing efficiencies, filling gaps, eliminating overlaps and establishing a consistent legislative base for existing policy. They will also explicitly affirm Aboriginal and treaty rights.

Where can I find more information?

For more information on the Forest Act, contact:
Environment and Natural Resources
Forest Management
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Forest Act



The Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) is developing a new Forest Act to amend and combine the existing *Forest Management Act* and the *Forest Protection Act*.

The new legislation, which was created in collaboration with Indigenous governments and organizations, regulatory boards, stakeholders and the public, includes mechanisms for the co-operative management, monitoring and protection of forests in the Northwest Territories (NWT).

What is the purpose of the Forest Act?

The Forest Act is based on three key principles:

- The complexity, diversity and resilience of our natural forests need to be maintained through sustainable management, for the benefit of northerners today and in the future.
- There are many values derived from our forests, some of which are under regulation and others that are addressed through management.
- Wildfire is a natural part of forest ecology.

The new legislation considers the many values of and pressures on the forest, redefines NWT forests as an ecosystem, and reconsiders the types of authorizations and their need for regulation.

What will the new Forest Act do?

- Support the ecological integrity of the forest ecosystem for the benefit of Northwest Territories' residents and the environment.
- Address current and future pressures on forest resources and employ an ecosystem-based approach to forest management.
- Present an approach to wildfire management that reflects up-to-date best practices.
- Maintain momentum in the ongoing devolution implementation process.
- Redefine, clarify and modernize terminology.
- Meet obligations and requirements set out in land claim and self-government agreements.
- Reflect the values of NWT residents.

Enforcement and offences provisions contained in the Act were adapted, with modernizations, from the *Wildlife Act*.

Why do we need a new Forest Act?

Prior to 1988, the federal government was manager of forestry for the NWT, and the agency that fought wildfires. When the GNWT assumed responsibility for this management, the legislation developed at that time (the *Forest Management Act* and the *Forest Protection Act*) was, in many ways, borrowed from federal legislation.

The *Forest Management Act* of 1988 simply described forest cutting authorization options and how to regulate those, along with the associated royalties, fees and penalties. There was no reference to sustainability, forest ecology and the greater needs around forest management and other values. The *Forest Protection Act* is seldom used and contains no regulations; rather, those working in the area follow the GNWT's Forest Fire Management Policy 53.04. There have been no major amendments to either piece of legislation since enactment.

The new Act is needed to bring legislation in line with the authorities received through devolution, to help give the GNWT a legislative base to better balance the environment with economic and social needs, and to ensure the GNWT is using the most current and comprehensive legislative tools to manage lands and resources.

A new Forest Act will provide an update to the current forest legislation by expanding the focus beyond the economic value of timber to a holistic view that allows for the sustainable use of forest resources within a framework that maintains ecosystem health.

How is the new Act different from existing legislation?

The new Forest Act contains a number of changes from the current legislation. Here's what's different in the new Act:

- Includes management of non-timber forest products and forest activities, like biomass.
- Gives regulation-making authority to impose regional or local fire bans.
- Requires Forest Ecosystem Management Plans to be completed where Forest Management Agreements are being established.
- Requires industry to produce fire prevention plans.
- Makes long-term forest harvest authorizations available, subject to approval.
- Enables new regulations for fees, charges, fines and offences in line with northern industry practice and other jurisdictions.
- Recognizes and affirms Aboriginal and treaty rights, including the commitments of land claim and self-government agreements.

The Forest Act explicitly recognizes and affirms Aboriginal and treaty rights, including the commitments of land, resources and self-government agreements, and recognizes the role of co-management bodies. Proposed language for the affirmation of these rights was based on the *Wildlife Act*, with modernizations as proposed by Indigenous governments through the Technical Working Group and consultation.

How was the Forest Act developed?

The Forest Act was developed through a partnership approach with a Technical Working Group (TWG) of Indigenous governments and organizations, and with input from a Stakeholders Advisory Group (SAG) consisting of non-government organizations, regulatory boards and industry representatives.

This process was designed with input and agreement from the Intergovernmental Council of IGOs.

A framework for the drafting of the Forest Act was developed through this partnership approach over two years of engagement that included seven TWG meetings and three meetings with the SAG.

The partnership approach was developed to ensure coordination across resource management legislation to reduce the potential for conflict or duplication, and was based on the process used for the development of the *Wildlife Act*.

Through the partnership process, the TWG and SAG assisted ENR in developing a framework for the drafting of the Forest Act.

There was also an external public review period, in which the general public was invited to provide feedback on summary documents through an online engagement process.

Once the bill was drafted, the GNWT carried out additional formal consultation with Indigenous governments and organizations to determine and address potential impacts the bill could have on Aboriginal or treaty rights.

Who was invited to participate in the Technical Working Group (TWG) for the Forest Act?

- K'atl'odeeche First Nation
- Tłıchq Government
- Inuvialuit Regional Corporation
- Gwich'in Tribal Council
- Sahtu Secretariat Inc.
- Délıne Got'ıne Government
- Salt River First Nation
- Acho Dene Koe First Nation
- Deninu Kue First Nation
- Northwest Territory Métis Nation
- Dehcho First Nations
- Akaitcho Territory Government
- North Slave Métis Alliance
- Renewable Resources Boards