

June 6, 2023

Katie Weaver
Committee Clerk
Standing Committee on Economic Development and Environment
Legislative Assembly
Government of Northwest Territories
Yellowknife NT X1A 2L9

Sent via email

Dear Katie Weaver,

RE: Review of Bill 74: Forest Act

The Land and Water Boards of the Mackenzie Valley (LWBs) would like to thank the Standing Committee on Economic Development and Environment for the opportunity to provide comments on Bill 74: *Forest Act* (the Bill).

Last year, the Wek'èezhìi Land and Water Board provided comments on the draft Bill, and as noted in the Minister of Environment and Climate Change's response, most of these comments are related to what will be in the regulations (please see [here](#) for the correspondence). The LWBs do not have any further comments on the Bill and are looking forward to participating in the development of the regulations.

If you have any questions, please contact [Kathy Racher](#) at (867) 766-7457.

Sincerely,



Tanya MacIntosh
Chair
Mackenzie Valley Land and Water Board



Mason Mantla
Chair
Wek'èezhìi Land and Water Board



Elizabeth Wright
Chair
Gwich'in Land and Water Board



Tanya MacIntosh
Chair
Sahtu Land and Water Board



February 21, 2023

Mason Mantla
Chairperson
Wek'èezhii Land and Water Board
rfequet@wlwb.ca

Dear Mr. Mantla:

Consultation Closure on the *Forest Act* Bill

Thank you for your letter dated December 20, 2022 letter in response to consultation on the Forest Act bill.

Over the past two years, the Department of Environment and Natural Resources (ENR) worked closely with an Intergovernmental Council Technical Working Group (TWG) on all aspects of this bill. ENR has considered all of the feedback received through the consultation process, and we intend to introduce the final bill in this sitting (February/March 2023) of the 19th Legislative Assembly.

The GNWT reviewed your submission, and would like to provide the following information in response to your input:

- The definition and use of the term “industrial activity” in the bill is related to activities where a wildfire prevention and preparedness plan would be required, and requirements around keeping flammable materials cleared around the activities, and being responsible for and controlling fires caused as a result of the activity. The definition is modified from the definition in the existing *Forest Protection Act*. Further detail will be developed in the Regulations with regards to what industrial activity poses a risk to starting a wildfire and to specific requirements under a plan.
- The definition of a “forest activity” is referring to an activity authorized under Part 5 of the bill.
- As per the transitional clause in the Bill, existing forest management agreement holders with existing permits of licences will not need to apply for a new permit or licence until they expire or are terminated. Any new forest management agreements will require a permit or licence to begin operations.

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Many of the Wek'èezhìi Land and Water Board's concerns are related to what will be in regulations. ENR is committed to working with Indigenous governments, Indigenous organizations, boards, stakeholders and the public during the regulation drafting process.

Following the second reading of the bill, it will be subject to a 120-180 day review period undertaken by a Standing Committee of the Legislative Assembly. During this time, we expect Standing Committee will hold public hearings on the bill, which will provide an opportunity for further input on the draft legislation should you wish to participate.

Thank you for your consideration of this draft legislation, and I look forward to your support as the bill moves forward.

Sincerely,



Shane Thompson
Minister
Environment and Natural Resources

c. Honourable Caroline Cochrane
Premier

Shaleen Woodward
Principal Secretary

Martin Goldney
Secretary to Cabinet/Deputy Minister
Executive and Indigenous Affairs

Dr. Erin Kelly
Deputy Minister
Environment and Natural Resources

Shawn McCann
Deputy Secretary, Indigenous and Intergovernmental Affairs
Executive and Indigenous Affairs

Dr. Brett Elkin
Assistant Deputy Minister, Operations
Environment and Natural Resources

Ryan Fequet
Executive Director
Wek'èezhìi Land and Water Board



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December 20, 2022

The Honourable Shane Thompson
Minister of Environment and Natural Resources
Government of the Northwest Territories
P.O. Box 1320
Yellowknife, NT X1A 2L9

Sent via email

Dear Minister Thompson,

RE: Draft *Forest Act* Bill

Thank you for the opportunity to comment on the draft *Forest Act* bill. Attached are comments and recommendations from the Wek'èezhì Land and Water Board in Table 1 below.

Please direct questions or concerns regarding this submission to Ryan Fequet in writing.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mason Mantla".

Mason Mantla, Chair
Wek'èezhì Land and Water Board

Attached: Table 1

Table 1. The Wek'èezhì Land and Water Board's (WLWB) Questions, Comments, and Recommendations on the *Forest Act* Bill

Section of draft <i>Forest Act</i> Bill	WLWB's Questions, Comments, and Recommendations
Section 22 Dispute Resolution Process	<p>Under subsection 22(3), the Minister may implement any aspect of a plan or policy on which consensus has not been achieved if the Minister is satisfied that there is substantial need.</p> <p>The WLWB recommends that the Minister issue reasons for decisions in these cases.</p>
Section 27 Definitions (under PART 4 WILDFIRES AND PROTECTION OF FORESTS)	<p>The WLWB is interested in understanding how the definition of “industrial activity” was developed. In particular:</p> <ul style="list-style-type: none"> • Was aligning the definition of “industrial activity” with the prohibitions under sections 4 and 5 of the Mackenzie Valley Land Use Regulations and/or the terminology used in the Waters Regulations considered? • Are there any minimum thresholds for the listed activities? For example, minimum area cleared, or quantity of explosives to be used or stored. • What aspects of this definition will be clarified under the Regulations developed under paragraph 127(m)? For example, would minimum thresholds (as noted above) be established? <p>The WLWB (along with the other Land and Water Boards (LWBs)) would be pleased to participate in discussions related to this definition and the development of the Regulations “respecting what constitutes an industrial activity for the purposes of the definition “industrial activity” in section 27” (as per paragraph 127(m)).</p>
Subsection 45(2) (Wildfire prevention and preparedness plans)	<p>What will be the timeline for a Forest Superintendent to make a decision on a wildfire prevention and preparedness plan? Will this be clarified in the Regulations under paragraph 127(z.01)?</p> <p>The LWBs and ENR staff have had preliminary discussions regarding these plans. After the <i>Forest Act</i> and its regulations have been enacted, the LWBs will update the Guide to the Land Use Permitting Process and the Guide to the Water Licensing Process to encourage applicants to contact the GNWT for guidance on whether a wildfire prevention and preparedness plan may be required. The LWBs</p>

	would be interested in further discussions about aligning regulatory processes to ensure efficiency, particularly if an approved plan is required prior to the commencement of the activity.
Paragraph 99(1)(a)	What is a forest activity?
Section 131 (Agreements)	<p>Under subsection 9(3) of the <i>Forest Management Act</i>, an agreement “may authorize the government, person, institution or firm named in the agreement to conduct activities described in the agreement without obtaining a permit or licence.” According to the new <i>Forest Act</i>, under subsection 25(3), “A government, person, body or organization named in a forest harvesting agreement shall conduct activities described in a forest harvesting agreement only under the applicable permit or licence.”</p> <p>Once the new <i>Forest Act</i> is in effect, will the holder of a forest management agreement (that was made under section 9 of the <i>Forest Management Act</i> and is still in effect under the transitional provision under section 131) have to apply for any applicable permits or licences?</p>
Minor editorial comments	<ul style="list-style-type: none"> • Subsection 23(b) should have the same alignment as subsection 23(a). • Subsection 31(2) should have a period.