



Plain Language Summary for Bill 74: Forest Act

The Government of the Northwest Territories Department of Environment and Natural Resources (ENR) has developed a new Forest Act Bill, which combines and modernizes the current *Forest Management Act* and *Forest Protection Act*. The Bill is the first to be developed collaboratively with Indigenous governments, Indigenous organizations and Renewable Resources Boards in accordance with the Intergovernmental Council on Land and Resource Management: Legislative Development Protocol.

The development of this new Bill has been informed in part by feedback received during public engagement on a proposed new Forest Act that was carried out in both 2018 and 2022. ENR conducted public engagement on the Bill from November – December 2022, and a What We Heard report from this engagement is located on the GNWT website.

The proposed new Forest Act would seek to address the following key areas:

- Sustainable forest management.
- Wildfire, and the protection of forests, communities and values at risk; and
- The roles and responsibilities of the GNWT, the Minister of ENR, Renewable Resources Boards, Renewable Resource Councils and forest management committees.

One of the most significant factors that can impact forests is wildfire. The proposed Forest Act would include provisions to allow the GNWT to take action to manage wildfire as a natural and important part of the landscape, while taking actions to protect people, communities and other values at risk. These actions include provisions on the safe use of fire in the forest, a requirement for people to report wildfires, lengthening the dates of the NWT's wildfire season when needed, requiring industrial activities to have a plan on how they will prevent wildfires, and the ability for the Forest Superintendent to take actions necessary to manage wildfires.

Under the Act, when insects, disease or an invasive species threaten to cause serious or irreparable harm to a forest, the Forest Superintendent could take immediate actions necessary to manage, control or dispose of the threat. The Forest Superintendent would then need to notify any applicable Renewable Resource Boards, co-management committees, Renewable Resource Councils, Indigenous governments or Indigenous organizations as soon as reasonably possible. It is expected that this situation would be rare, and the Forest Superintendent would work with co-management partners to collaboratively determine the best course of action when a particular threat to the forest is identified.

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Under the proposed Forest Act, anyone who has an Aboriginal or treaty right to harvest forest resources in an area of the Northwest Territories would no longer require a permit to exercise that right – subject to regulations regarding commercial activities that will be developed if this Bill passes.

Under the Act, the GNWT could enter into agreements with Indigenous governments, Indigenous organizations, other governments, corporations or organizations related to harvesting forest products. This could include agreements with Indigenous governments and Indigenous organizations on management of community wood lots. Harvesting under an agreement could not begin in an area until there is a forest ecosystem management plan in place that guides our approach to ensure the forest environment in that area stays healthy. An entity that has a forest harvesting agreement with the GNWT may still need permits and licences to carry out some activities.

Under the proposed Forest Act, there is an updated appeals section that will allow an individual to appeal a decision by the Minister if their application for a permit or licence is refused. Any Renewable Resources Board, Renewable Resources Council, forest management committee, Indigenous government, or Indigenous organization with Aboriginal or treaty rights within that area could also appeal the issuance or refusal of a permit or licence to the Minister. People could appeal to the Minister in situations where they needed, but could not get, consent for an activity from a Renewable Resources Board or Council, or from an Indigenous government or Indigenous organization.

Updated enforcement and investigation provisions have been included in the new Forest Act Bill. These include updates on the responsibilities for enforcement, the authority of officers, and punishments for offences.

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