

Government of  
Northwest Territories

**Government of the Northwest Territories Response to  
Committee Report #62-19(2) on the Review of Bill 74: Forest Act**

**Background**

The previous Standing Committee on Economic Development and Environment (Committee) Committee Report 62-19(2): “Report on the Review of Bill 74: The Forest Act” (Report) was tabled in the Legislative Assembly on September 27, 2023.

Bill 74 combines and modernizes the current *Forest Management Act* and *Forest Protection Act*. The Bill was the first legislation to be developed collaboratively with Indigenous governments and co management bodies in accordance with the Intergovernmental Council on Land and Resource Management: Legislative Development Protocol. Bill 74 was also the first legislation to be reviewed under the “Process Convention for the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol.”

Bill 74 received second reading in the Legislative Assembly on March 9, 2023, and was referred to the Standing Committee on Economic Development and Environment for review. On March 9, 2023, committee received approval from the House to extend its review of the Bill from the standard 120 days to 180 days to allow for more collaboration with Indigenous governments.

The Committee’s Report contained nine (9) recommendations for the Department of Environment and Climate Change (ECC). Generally, Committee includes a recommendation in reports requesting a response from Government within 120 days. The recommendation is then moved as a motion in the Legislative Assembly, and Executive Council is required to respond. However, since the 19th Legislative Assembly dissolved in less than 120 days from the time the report was tabled, the Committee, at that time, requested that Government provide a public response to this report at the earliest opportunity. Subsequently, Committee requested a response on the report before the end of the May/June 2024 sitting of the 20th Legislative Assembly.

The Government of the Northwest Territories (GNWT) appreciated the review conducted by the Committee and is pleased to respond to each recommendation below.

### Recommendation 1

*Standing Committee on Economic Development and Environment recommends that the GNWT undertake an independent, third-party comprehensive review of GNWT fire prevention and suppression with public engagement. This review should consider the policy framework, coordination with other governments and agencies, funding for these activities, as well as Departmental practices concerning firefighter safety. The findings of the review be made publicly available on a GNWT website.*

### *GNWT Response*

The GNWT recognizes the value and importance of an independent third-party review of wildfire prevention and suppression efforts in the Northwest Territories. ECC does after-action reviews for individual fires every year as part of its normal operations, but in unprecedented fire seasons like 2014 and 2023 additional comprehensive reviews are done. As such, ECC hired MNP LLP to conduct an independent review of the 2023 fire season. The review and findings are anticipated to be completed in June 2024. Once complete, the review will be shared with Committee and will be released publicly including posting on ECC's website.

### Recommendation 2

*Standing Committee on Economic Development and Environment recommends that the Department review what information it can and should provide regarding its internal interactive fire databases, its communication efforts and how information is presented and organized on its website to improve access to and knowledge of fire prevention and suppression activities and practices.*

### *GNWT Response*

The GNWT continuously strives to improve public access to information. ECC significantly increased the amount of information provided to the public during the 2023 wildfire season, and is continuing to enhance and increase the amount and approach to communications for the coming season. For

example, enhancement to the interactive fire information available to the public is under development. ECC has also taken steps to improve information sharing and engage communities in preparation for the 2024 wildfire season, including a process to enhance timely sharing of information with Indigenous communities. Information sharing improvements include:

- Regularly reviewing what information can be shared publicly, utilizing information from a wide range of sources including internal fire databases.
- Supporting the NWT Association of Communities in developing a toolkit for community and Indigenous governments on wildfire preparation, prevention, and mitigation. This will include additional wildfire resources on FireSmart available on the NWTAC webpage under Toolkits <https://wildfires.toolkitnwtac.com/>
- Enhancing informational material and guides for community and Indigenous governments on wildfire prevention, preparedness, and mitigation including materials available on the NWT FireSmart webpage <https://www.gov.nt.ca/ecc/en/FireSmart>
- Streamlining our approach for direct communication with communities during wildfire events, in partnership with the Department of Municipal and Community Affairs, in response to community input and engagement throughout the offseason (ready for implementation this year).

ECC has created and staffed a new Manager of Wildfire Prevention and Mitigation position whose role is specifically designed to educate and inform on wildfire prevention and mitigation.

### Recommendation 3

*Standing Committee on Economic Development and Environment recommends that there be an annual meeting between relevant GNWT departmental staff and each community to review values at risk, fire prevention and suppression preparedness, coordination of efforts and related matters.*

### *GNWT Response*

As part of GNWT's Wildfire Response Strategy, ECC already holds community engagement meetings every year to review the previous wildfire season, Community Wildfire Protection Plans, and local

planning for the upcoming wildfire season. By the end of April 2024, ECC will have completed engagement with communities and Indigenous leaders in all the forested communities in the NWT.

#### Recommendation 4

*Standing Committee on Economic Development and Environment recommends that representatives from Technical Working Groups should meet with Standing Committee earlier in the process, closer to the beginning of the co-drafting process, to discuss opportunities to share information on policy options and policy intentions for resource management legislation.*

#### *GNWT Response*

In the 19<sup>th</sup> Legislative Assembly, Committee issued a number of invitations to the Intergovernmental Council (IGC) Secretariat, as well as to the GNWT (sponsoring Minister), for updates on various land and resources legislative initiatives. The GNWT respectfully notes that the number and frequency of such updates is within the purview of Committee to define. The GNWT also notes that the IGC Secretariat has requested that such updates occur in a joint (Indigenous government and public government) manner.

#### Recommendation 5

*Standing Committee on Economic Development and Environment recommends that if the overall legislative timeframe allows, there should be the ability to extend Standing Committee reviews of resource management Bills to allow for completion of the collaborative review process.*

#### *GNWT Response*

The “Process Convention on Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol” contemplates that Bills proceeding under the IGC Protocol and the Process Convention will take more time. The Process Convention provides that immediately after second reading, the Chair of the Standing Committee that will review the Bill will seek unanimous consent to waive the Rules of the Legislative Assembly to provide 180 days to Committee for its review.

Further, Rule 8.3(2) of the Rules of the Northwest Territories Legislative Assembly provides a mechanism by which Standing Committees may request to extend its review period for a Bill, by motion under “Reports of Committees on the Review of Bills”. This mechanism should still be available for Committees that have been given 180 days to review a Bill so that, should Committee need more time, it can request it from the House. If it appears that land and resources Bills routinely require more time for Standing Committee reviews, one option that may be considered is a future discussion of the matter with the parties to the Process Convention.

#### Recommendation 6

*Standing Committee on Economic Development and Environment recommends that exchanges between Standing Committees, the Departments and Technical Working Groups on the review of resource management Bills should be made public where possible and documented in Committee reports on resource management Bills.*

#### *GNWT Response*

IGC Technical Working Groups operate under the expectation of confidentiality consistent with the IGC Protocol; however, the Forest Act Technical Working Group (TWG) supported making the “Summary of IGC TWG Discussions” on proposed amendments to Bill 74 publicly available.

More generally, whether there needs to be confidentiality for correspondence between Committee and the Government of the Northwest Territories and shared with Indigenous government working group members on a particular file depends on its contents, which makes it difficult to apply a particular rule to the matter. However, the GNWT and the applicable Technical Working Group can, on a case-by-case basis, consider and advise upon whether responses to Committee or parts of them are to be treated as confidential or whether they may be made public and appended to Committee’s report.

#### Recommendation 7

*Standing Committee on Economic Development and Environment recommends that Departments undertaking the co-drafting of resource management legislation and regulations should secure additional resources for this process and conduct more robust public engagement.*

### *GNWT Response*

It is acknowledged and appreciated that Committee recognizes the increased workload and timelines associated with collaborative development of land and resources legislative initiatives under the IGC Legislative Development Protocol. The Department did conduct public engagement on the Bill and extended the timeframe during the last Legislative Assembly when it was requested. For each land and resources legislative initiative, departments remain committed to striking the appropriate balance between public engagement and expectations stemming from collaborative intergovernmental processes.

### Recommendation 8

*Standing Committee on Economic Development and Environment recommends that Departments undertaking the co-drafting of resource management legislation and regulations should share more information with the public about policy options and policy intentions and conduct public engagement earlier in the process (i.e., not wait until the end of the co-drafting process). Public engagement can and should run concurrently with the co-drafting process.*

### *GNWT Response*

The GNWT has committed through its Open Government Policy to engage with the public in open dialogue and ensure meaningful opportunities for public input. Public engagement on government initiatives, including legislative change, follows a set of guiding principles while recognizing that there is not a one size fits all approach to public engagement.

Timing of public engagement on the policy basis for legislation would typically be before submission of a Legislative Proposal, so that engagement can inform the policy positions presented in the Legislative Proposal, which is the authorization for drafting a bill. As such, public engagement would not run parallel with the collaborative drafting development of the legislation.

Further, the level of participation of Indigenous government partners in developing legislation – including in subjects where land and resources agreements provide for law-making involvement, and where other commitments to collaborative development have been made – will be different. As law-making arrangements in the Northwest Territories evolve, it will be important to consider when is best

to engage the public on matters that are collaboratively developed with Indigenous government partners, and to ensure there is a reporting back to the public on how public input has been considered.

#### Recommendation 9

*Standing Committee on Economic Development and Environment recommends that the Department of Environment and Climate Change prepare a detailed budget and work plan for continued co-development of regulations necessary for a new Forest Act, allowing for more public engagement on those regulations, and the implementation of its new responsibilities under a new Forest Act.*

#### *GNWT Response*

ECC commits to developing a Forest Act regulation development framework workplan and will ensure that the department looks at opportunities to enhance public engagement. Budget details for legislative initiatives such as Forest Act regulations are captured within the business plan and are presented as part of the departmental Main Estimates during Committee of the Whole.