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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'èezhìi 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.