



Alternatives North

December 26, 2022

To: forestmanagement@gov.nt.ca

Re: **Comments on Forest Act Summary of Policy Intentions**

Thank you for the presentation to Alternatives North by ENR Forest staff on December 21 regarding the *Forest Act Summary of Policy Intentions*. This presentation, along with our comments from the Bill brought forward in the previous Assembly, helped us to develop these comments. We trust they will be considered in the development of the new Forest Act.

Public Participation

We recognize that there was more extensive public engagement during the development of the previous Bill in the 18th Assembly. However, that is not a reason or excuse to short-change public engagement during the development of this revised legislation that is taking place over the holiday season, with a compressed timeline. Many of our concerns raised in our previous submission on the Forest Act proposed during the last Assembly are not apparent in the Policy Intentions paper, especially regarding transparency (e.g., the need for a public registry) and opportunities for public participation in decision-making.

Principles

Given that GNWT has now adopted a Statement of Environmental Values, we are unclear on how this has been applied during the development of this revised Bill. Though staff assured us that principles such as sustainability, intergenerational equity, precautionary approach, and accountability to the public are included in the draft Act, we do not see those within the Policy Intentions paper. We will look for a statement of these principles within the Act, along with the acknowledgement of the importance of forest management in mitigating the effects of climate change.

Definitions

We are glad that biomass from willows is being considered under the definition of “forest” under this Act. We look to a full definition of forest that includes all ecosystem services. Ecosystem services should include mitigating the effects of climate change, including the sequestration of carbon. The definition of forest resources will need to be updated from what is in the Policy Intentions paper. Fungi are not plants. Soil needs specific mention.

Roles and Responsibilities: Minister

We found an absence of commitments to public participation within the Policy Intentions paper. This starts with the role of the Minister. The paper includes the Minister “would have the ability to develop policies and programs that encourage everyone to work together to manage and protect forests in the NWT for the benefit of people now and in the future.” We believe there should be an obligation for the Minister to specifically involve the public in decision-making around forest management. Examples include the obligation to involve the public in the development of Forest Ecosystem Management Plans (FEMPs, more on this later), opportunities to review and comment on forest management agreements and other key decision points. Please see our additional comments below on a public registry that provide additional rationale for public participation in decision-making.

Forest Superintendent

Responsibilities of Forest Superintendent include “Monitoring different parts of the forest environment;” and

“Monitoring would be used to understand changes in the growth of plants and trees, the number of wildfires, or the ways that forests are used, for example.”

We understand from the presentation that monitoring does not fall into FEMPs, so we are not clear how the public will understand what the IGO's and GNWT will be measuring for overall forest health, and the ties to the FEMPs. We hope there is clarity in the Act that the identification of carbon sequestration, climate change indicators, cumulative effects, and similar will be required parts of overall forest ecosystem health monitoring.

We understand that FEMPs must be approved and in place before harvesting takes place. If not, this obligation should be added.

Forest Ecosystem Monitoring Plans

We understand from the presentation that FEMPs will be very specific to certain areas, and developed in conjunction with the appropriate Renewable Resource Board or equivalent. As such, most of the requirements in the Act for the FEMPs be very high-level. While this is understandable, some principles for the FEMPs should be covered in the Act, such as sustainability, ecological integrity, and cumulative effects. Also, the Act will presumably be clear that any permits, licences, and agreements must conform to an approved FEMP.

Since FEMPs are such an important part of maintaining overall forest health, we do not believe that leaving their development to IGOs and RRBs or equivalent is suitable or adequate for a public government. There should be a requirement for a public engagement period on all FEMPs. While presenters stated that FEMPs will be publicly available, this should be legislated and part of a GNWT system, rather than left to a variety of boards. The GNWT needs to take on the responsibility of compiling the FEMPs so there is an overall understanding of forest management, rather than expecting the public to search various databases.

Public Registry

We reiterate that a public registry is needed, and do not see this as a large government expense (as was mentioned during the presentation). In terms of need, we do not believe that a forest management public registry would duplicate other public registries. The MLWB and MVEIRB public registries will only contain information about specific projects that exceed thresholds or are referred for further review. As such, agreements and many of the other instruments found in the proposed Forest Act will not be found on those other public registries. A public registry should be a central place to find information about forest management including plans, agreements, permits, licences, and other matters as noted in our submission on the Bill in the last Assembly. Such a registry will facilitate public participation in decision-making. It is also consistent with and required by GNWT's Open Government Policy.

Regarding costs, for the GNWT to have overview over all forest resource activities and ecosystem management, they must of necessity have records of all the relevant materials for a registry. Making the information public, even if it is just through links, should not be much of a stretch.

Appeals

There is nothing in this section of the Policy Intentions paper about whether there will be an ability for others to initiate or participate in appeals; for example, a lodge owner or cabin owner that may have concerns about a forest management agreement or a nearby or adjacent permit or licence that could even cover their surface lease or other tenure. This is not consistent with the way in which surface rights holders are treated under the *Mineral Resources Act* where there is an elaborate quasi-judicial process established. Surface rights holders that are potentially impacted by decisions made under the Forest Act should have a right to participate in those decisions, including appeals.

Development of Regulations

The presenters noted that many aspects of the Act will be covered in regulations, rather than the Act itself. As such, they agreed that public input is needed to develop the regulations. Our suggestion was to re-initiate the Stakeholder Advisory Group for the development of the regulations. The extraordinarily short public engagement period for this extraordinary Bill, over the Christmas holidays, should not be repeated in the development of the regulations.

We understand that fees and charges will be covered in regulations, rather than the Act. We look forward to discussions on how stumpage fees or other charges, along with the FEMPs, will help ensure sustainable forest ecosystems.

Conclusion

We request a written response to the comments raised in this submission, and a response before the Bill is tabled in the House in 2023.

We look forward to participating in the Standing Committee public hearings associated with this Bill, and meaningful participation in the development of regulations.

Yours sincerely,

Karen Hamre
Alternatives North

cc. Jackie Jacobson, Chair, Standing Committee on Economic Development and Environment