

Northwest Territories

Population: 44,469¹

Area: 1,344,000 km²

Forests: 800,000 km²

Ownership/allocation of lands:

Public: 1,152,500 km² (85.4%) (693,000km² forested)

Private: Negligible

Aboriginal Settlement Lands: 195,900 km² (14.6%) (107,000km² forested)

Public forest land subject to forest management agreements: 15,565 km² (1.3%)

Parks and protected areas: 123,100 km² (9.2%)

Description

Northwest Territories (NWT) is a vast northern territory covering a variety of landscapes including alpine, taiga, tundra and arctic. Approximately 71% of the NWT is below the tree line. There are approximately 800,000 km² of forested lands, about 10-15% of which could possibly support commercial forest harvesting. The productive forests grow almost exclusively in the southern NWT.

The NWT has about 45,000 residents living in 33 communities. Nearly half of the residents live in the capital, Yellowknife, and only six communities have populations exceeding 1,000 people; infrastructure and economy are not well developed in most of the NWT.

There is only one forest company licensed to harvest and mill sawlogs for commercial purposes. Their annual license volume is 5,000 m³, which they typically process into cants and sell to markets outside of the NWT. They often do not

harvest their full allocation. They also harvest about 2,500 m³ per year for firewood sales.

Firewood accounts for the largest component of NWT's forest harvesting, with private woodcutters and very small commercial cutters collecting about 25,000 m³ annually. Firewood cutters often harvest dead trees and distribute wood throughout the NWT, servicing the needs of the 33 NWT communities.

¹ NWT Bureau of Statistics, 2016

1. Forest governance

Public Lands:

Nearly all productive and forested lands with commercial potential are in the southern part of the territory on public lands. Forest use is governed by the *Forest Management Act* (Act) and *Forest Management Regulations* (FMR), and is administered by the Department of Environment and Natural Resources (ENR). The Act enables the issuance of authorizations to harvest timber. The following authorizations are available:

- A Forest Management Agreement (FMA) is a long-term authorization. It is subject to various eligibility criteria including sustainable timber supply. An FMA is established under the guidance of a 25-year plan that evaluates timber supply, wildlife habitat, stakeholder needs, land tenure restrictions, access and other considerations to form as detailed and comprehensive a framework as possible. Five-year plans are required, bringing a more detailed operational access and sequencing perspective. Annual Operating Plans (AOP) are required to detail seasonal operations and activities.
- A Timber Cutting License (TCL) is available to harvest timber for commercial purposes. The term is for up to five years' duration, is non-renewable and can be for any timber volume subject to sustainability considerations. Harvesting under a TCL is subject to approval of AOPs that detail ecological considerations and the harvesting strategy specific to the planned harvest area. Each AOP is reviewed and revised as appropriate by the Government of the Northwest Territories (GNWT), and a set of terms and conditions are attached to it defining enforceable, block-specific practices.
- A Timber Cutting Permit (TCP) is also a commercial authorization. Its term is for up to one year duration, is non-renewable and is for a timber volume not exceeding 5,000 m³. A TCP is managed through an Operating Plan that is essentially the same as an AOP under a TCL.
- Every harvesting authorization requires a Timber Transport Permit (TTP) to enable movement of timber from the timber harvest sites. Each load of timber must be issued and carry a Load Ticket under a TTP for the timber to be legal. A Load Ticket is traceable and links back to the primary authorization.
- A Free Timber Cutting Permit is a non-commercial authorization available to NWT residents for up to 60 m³ of timber for personal use. The free permit serves as its own timber transport authority.

Timber harvesting activities may also require a separate Land-use Permit (LUP), authorizing the harvester to build access roads to the timber resources identified in their TCL, TCP or FMA. A free permit holder does not require a LUP. The LUP approval process vets the proposal for public concerns and potential ecological impacts related to the proposed access roads. The LUP is issued by the Mackenzie Valley Land & Water Board (MVLWB) and administered by the GNWT Department of Lands. A LUP is valid for a term of five years and is extendable by another two years.

All harvesting authorizations are issued with respect to, and are compliant with, parks and protected areas, candidate protected areas, land claim agreements, land-use plans and interim-measures agreements that apply in areas where land claims are still unsettled.

Private Lands

About 15% of lands in the NWT are considered private lands under aboriginal land claim agreements. Aboriginal governments are responsible for the management of forest resources on those lands. Most of the timber harvested on private lands is for household and sustenance use; typically fire killed or other dead wood is preferred. Harvesting is not reported to the territorial government, but volumes are very low.

2. Forest management legislation and regulations

The primary legislation governing forest harvesting activities in the NWT includes:

- Forest Management Act (1988)
<https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.a.pdf?t1507236106455>
- Forest Management Regulations (1990).
<https://www.justice.gov.nt.ca/en/files/legislation/forest-management/forest-management.r2.pdf?t1507236106456>

Other important legislation:

- *Environmental Protection Act*
<https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.a.pdf?t1507236811976>
- *Forest Protection Act*
<https://www.justice.gov.nt.ca/en/files/legislation/forest-protection/forest-protection.a.pdf?t1507237086488>
- *Northwest Territories Lands Act*
<https://www.justice.gov.nt.ca/en/files/legislation/northwest-territories-lands/northwest-territories-lands.a.pdf>
- *Spill Contingency Planning and Reporting Regulations*
<https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf?t1507236811977>
- *Wildlife Act*
<https://www.justice.gov.nt.ca/en/files/legislation/wildlife/wildlife.a.pdf?t1507237662237>
- *Mackenzie Valley Land-use Regulations*
<http://lands.gov.nt.ca/en/mackenzie-valley-land-use-regulations>

Compliance Monitoring, Enforcement and Penalties

Compliance and enforcement of forest harvesting activities is carried out by a GNWT Forest Officer or Renewable Resource Officer (officer). The powers of an officer are established under the "Enforcement" section of the Act.

The Act also includes an “Offence and Punishment” section, which sets out various examples of infractions that could lead to enforcement action, such as:

- Cutting or transporting timber without an authorization;
- Breaching terms and conditions of an authorization;
- Possession of unauthorized timber;
- Operating an unauthorized mill.

Officers have options to assist in meeting compliance and enforcement objectives including, but not limited to:

- Seek to resolve the issue;
- Issue notice of non-compliance;
- Search a place, building or vehicle;
- Seize equipment or records;
- Seize timber;
- Issue fines.

The Forest Management Supervisor may suspend a permit or license for non-payment of fees or violation of the Act or FMR.

3. Timber processing legislation and regulations

The Act sets out a mill license and the FMR provide clarity on it. A mill license is required for anyone who processes more than 300 m³ annually. The license holder must not receive any timber without a load ticket under the authority of a timber transport permit; must dispose of all slash and debris; and, must not waste timber.

ENR issues mill licenses, and attaches terms and conditions to the license according to the circumstances of the business involved.

4. Other relevant legislation

In addition to the relevant territorial legislation listed above, the NWT must also follow relevant federal legislation, including the *Mackenzie Valley Resource Management Act* and the *Species at Risk Act*.

5. Forest certification

Currently there are no active certification programs or certified forest lands in Northwest Territories.

6. Public engagement in forest management

The public has various pathways for involvement and engagement with forest management in the Northwest Territories. In the unsettled land-claim areas of the southern NWT, where most of the commercially viable forest resources exist, harvesting authorities are subject to the Dehcho Land-use Plan, the Dehcho Interim Measures Agreement (IMA), the Akaitcho IMA and the NWT Métis Nation IMA. These plans and agreements identify areas where commercial

forestry is permissible, in line with the wishes of the respective land claims. The IMAs also spell out how communities are consulted regarding proposed timber harvesting, and no authorization may be issued without their support unless expressly provided through an appeal process.

Further areas are set aside from forest harvesting through a series of protected and candidate-protected areas. The development of these plans, IMAs, candidate protected areas and protected areas incorporates broad public participation.

When ENR receives an application to harvest timber, the proposal is screened in accordance with plans and IMAs before an extensive consultation process is initiated. Input from affected aboriginal groups and communities, municipalities and various government agencies are gathered. Specific concerns or needs of the public may be addressed in terms and conditions of an authorization should approval be granted.

When ENR approves a timber cutting authorization, the forest company often requires a permit from the MVLWB. The MVLWB and its regional panels regulate the use of land and water and the deposit of waste through the issuance of land-use permits and water licenses. Construction of roads to access the timber license area cannot proceed before a permit is in place. The application process provides another venue for public comment on the development.