

**MR. BRUCE DOMES TIMBER HARVEST PROPOSAL
REPORT OF ENVIRONMENTAL ASSESSMENT
AND
REASONS FOR DECISION**

1.0 EXECUTIVE SUMMARY

The Mackenzie Valley Environmental Impact Review Board (Review Board) reviewed and considered the Mr. Bruce Domes environmental assessment. Pursuant to Section 128(1)(a) of the *Mackenzie Valley Resource Management Act* (Act). The Review Board determined that the development is not likely to have any significant adverse impact on the environment or be a cause of significant public concern.

Subject to Section 129 of the Act, no licence, permit or other authorization shall be issued for the development, and the developer shall not proceed with the development for at least 10 complete days after receipt of the Review Board's *Report of Environmental Assessment*.

The Review Board arrived at its decision using the Environmental Assessment Report and materials filed by the preliminary screener, the developer, First Nations, the Government of the Northwest Territories, Local Governments and the public. These materials form the basis for the Review Board's Reason's for Decision.

1.1 Review Process

In March 1999, the Department of Resources, Wildlife and Economic Development (RWED) referred the development to the Review Board for environmental assessment according to Section 125(1)(b) of the Act. In April, the Review Board notified Local Governments, First Nations, regulators, non-governmental organizations and the general public of the referral by means of newspapers and fax distributions. Two site visits were conducted, one by Board members on May 17, 1999 and the other by staff members on June 22, 1999. In June, Terms of Reference for the environmental assessment were submitted to Mr. Bruce Domes. In August 1999 Mr. Bruce Domes (applicant) submitted the environmental assessment report; it was subsequently reviewed for conformity, and in late August the Review Board made its determination on the development.

2.0 DEVELOPMENT DESCRIPTION

The applicant proposes a selective timber harvest of 2,000 m³ of white spruce, and 500 m³ each of black spruce and jack pine on Commissioner's land, 15 km West of Enterprise, off Highway No. 1, near kilometre 96. The proposed cutting area is entirely within the GNWT Block Land Transfer boundary. Only trees to a minimum Diameter

Breast Height (DBH) of 17.5 cm suitable for a small wood processor-type mill would be harvested. This mill will be located off site at all times. Timber with a diameter greater than 25 cm which is harvested will be excluded from the applicant's milling process and sold to a larger mill.

Timber would be felled, slashed, and directionally winched to skid trails using a small wide pad crawler. A550-Case tracked crawler would haul the timber to landing where it would be loaded onto a truck and transported off-site using highway No. 1. Mr. Bruce Domes has submitted permit applications to undertake the development with the Department of Resources Wildlife and Economic Development.

3.0 PUBLIC AND ENVIRONMENTAL CONCERNS

The materials received by the Review Board have been considered in the context of the Review Board's duties under the *Mackenzie Valley Resource Management Act*.

3.1 Public Concerns

The applicant was referred for environmental assessment because of public concerns raised by the Enterprise Settlement Council. The Council was concerned because:

- a) it did not have time to develop a policy regarding timber applications within its settlement boundaries;
- b) it lacked an inventory of timber within its boundaries; and,
- c) there was uncertainty about the quantity of timber needed to support an additional mill.

The Town of Hay River did not object to the development. The Hay River Dene Band made no formal objections, but expressed concern about the development of their traditional lands with few benefits for Band members. The West Point First Nation did not support the development for land claim reasons. There was only one public submission and this supported the development.

3.2 Environmental Concerns

Submissions to the Review Board identified the following environmental concerns:

- a) the sustainable management of timber;
- b) the use of smaller timber generally considered as waste by larger milling operations rather than cutting more timber near the community; and
- c) Enterprise Settlement Council's concern about for the management of timber within its settlement boundaries.

4.0 LEGAL PRINCIPLES

In exercising its authority, the Review Board has been guided by the following legal principles, purposes and factors found in Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA).

s.114 *The purpose of this Part is to establish a process comprising a preliminary screening, an environmental assessment and an environmental impact review in relation to proposals for developments, and*

(b) to ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them; and

(c) to ensure that the concerns of aboriginal people and the general public are taken into account in that process.

s.115 *The process established by this Part shall be carried out in a timely and expeditious manner and shall have regard to*

(a) the protection of the environment from the significant adverse impacts of proposed developments; and

(b) the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley.

ss.117(2) *Every environmental assessment and environmental impact review of a proposal for a development shall include a consideration of*

(a) the impact of the development on the environment, including the impact of malfunctions or accidents that may occur in connection with the development and any cumulative impact that is likely to result from the development in combination with other developments;

(b) the significance of any such impact;

(c) any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;

(d) where the development is likely to have a significant adverse impact on the environment, the imposition of mitigative

*or remedial measures; and
(e) any other matter, such as the need for the development and any available alternatives to it, that the Review Board or any responsible minister, after consulting with the Review Board, determines to be relevant.*

5.0 REASONS FOR DECISION

The Review Board has decided to exercise its discretion pursuant to ss.128(1)(a) of the Act after having considered the evidence. The evidence included the Environmental Assessment Report, the Review Board's site visit to the applicants proposed timber harvest area and submissions to the Review Board.

5.1 Public Concern

The Review Board considered the evidence and determined that the applicant's development would likely not be a cause of significant public concern. The Review Boards reasons are presented below.

- a) While a policy on forestry would clearly assist the Enterprise Settlement Council to contribute to future discussion on forestry activities adjacent to the community, it does not appear fair or reasonable from the Review Board's perspective to delay the development for an indefinite period while such a policy is developed.
- b) The Review Board recognizes the lack of a timber resource inventory for the area but is of the opinion that not having such an inventory given the scale, location and nature of the applicants development proposal will not likely be a cause of significant public concern. In addition, Mr. Tom Chowns, Forest Management expert with RWED, indicates that although there was concern about there being no existing timber inventory in the area, he did not have any concerns for the development.
- c) Regarding the availability of timber to support a second mill, the Review Board noted the expert opinions of Mr. Paul Johnson and Mr. Rafe Smith. Mr Johnson, Manager of Forest for the South Slave Region, Department of RWED indicated there was enough timber to support another mill. This is corroborated by Mr. Rafe Smith, RWED's Inventory Forester Technician in Hay River. He indicated that he did not have any concerns with the development as there was an abundance of similar habitat throughout the area, and that the development did not conflict with any other timber permits and was of a relatively small scale.

5.2 Environmental Impact

The Review Board considered the evidence and determined that the applicant's development would likely not have any significant adverse impact on the environment. The Review Boards reasons are presented below.

- a) The proposed development will result in more timber being harvested. Based on the expert opinion of Mr. Rafe Smith, Mr Paul Johnson and Mr. Tom Chowns, all with the Department of RWED, the effect of the Mr. Bruce Domes proposed timber harvest is negligible, particularly given the area, volume, location, and methods of timber harvest. The same forest experts note that the vegetation of the area has climaxed, and with proper selective cutting, natural regrowth will occur. These same experts indicate that after the selective timber harvest there will be more light reaching the under story. This will encourage new growth, new habitat for species and a reduce forest fire hazards. RWED experts considered this a positive change as there is an abundance of climax habitat
- b) The Review Board notes Enterprise Settlement Council's comments about the applicants possible use of timber generally considered as waste by larger milling operations. The Review Board is of the opinion that the comments are beyond the scope of development and the scope of assessment assigned to the environmental assessment. The Review Board is also of the opinion that the comments constitute a policy question best addressed in the policy and regulatory framework of the government of the Northwest Territories.
- c) After carefully considering the Enterprise Settlement Council's concern regarding the management of timber within its settlement boundaries, the Review Board has determined that based on the opinion of RWED experts, as noted previously, there would likely not be any significant adverse impact on the environment from the applicants proposed development. The Review Board also notes that the Department of Resources, Wildlife and Economic Development (RWED) manages the trees and wildlife on Commissioner's Lands within the Hay River - Enterprise Block Land Transfer as reported by Mr. Edward Hornby Land Use Administrator with the South Mackenzie District of the Department of Indian and Northern Affairs.

6.0 DETERMINATION

The Review Board reviewed and considered the Mr. Bruce Domes environmental assessment and determined that the development is not likely to have any significant adverse impact on the environment or be a cause of significant public concern. It may proceed subject to Section 128(1)(a) of the Mackenzie Valley Resource Management Act.