



OCT 27 2016

MR. KEVIN O'REILLY
MLA, FRAME LAKE

Oral Question 331-18(2): Northwest Territories Water Licence Decisions

This letter is in follow-up to the Oral Question you raised on October 17, 2016 regarding Water Licence decisions in the Northwest Territories (NWT).

The *Waters Act* defines the role and authority of the Environment and Natural Resources (ENR) Minister with respect to rendering decisions on Type "A" Water Licences and Type "B" Water Licences, where a public hearing is held. Following receipt of a recommendation and associated Water Licence from a Land and/or Water Board, the ENR Minister has up to a maximum of 90 days to render a decision to either approve or not approve the Water Licence as recommended.

As the Minister of ENR, I take my role in the water licencing process very seriously. When rendering a decision on a Water Licence, it is the responsibility of the Minister to ensure the quasi-judicial process administered by the Board has been conducted in a fair and transparent manner. To this end, procedural fairness is a primary consideration. The Minister must also ensure that the decision process is unfettered. As such, only the Board recommendation, associated Reasons for Decision, and information on the public record is considered by the Minister in making a decision.

Although the Minister cannot restrict external parties from preparing and providing written submissions directly to the Minister during the decision period, any and all submissions received are not considered. While no formal policy exists in this regard, this has been and continues to be a firm operating practice. If additional evidence is submitted to the Minister during the decision period by any party, correspondence is prepared and provided back to that party identifying that this information will not be considered.

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Moving forward, I have instructed departmental officials to consider this issue when working on updating the *Waters Act*.

I trust this response meets your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. McLeod". The signature is written in a cursive style with a prominent initial "R" and a long horizontal stroke at the end.

Robert C. McLeod
Minister
Environment and Natural Resources

c. Clerk of the Legislative Assembly
Legislative Coordinator, Executive