

MEMBER STATEMENT—KEVIN O'REILLY MLA FRAME LAKE

WATER MANAGEMENT IN MACKENZIE VALLEY

October 17, 2016

MR. O'REILLY: Merci, Monsieur le President. Water management in the Mackenzie Valley region of the Northwest Territories is done differently than elsewhere in Canada. We have a public co-management system that is constitutionally entrenched through land rights agreements with Indigenous governments. Water management in the Northwest Territories underwent a very significant change as of April 1, 2014, when our government was delegated authority over inland waters from the federal government. Devolution over resources had been discussed and negotiated over more than 25 years.

NWT residents wanted more control over decisions, but to what end? The current and NWT Premier of the day, Bob McLeod, promised that we would "devolve and then evolve" our resource management systems inherited from Ottawa. Aboriginal governments and observers have raised serious concerns about a recent GNWT decision on a water licence amendment by a diamond mining company. The board held a public hearing, took in evidence from a broad range of parties, and came up with a reasoned decision. It set effluent levels from dredging in a manner that was protective in the short and long-term for aquatic life. The effluent levels were tougher in some ways than the original licence and the company request.

The Minister of Environment and Natural Resources received the amendment licence and had the authority to sign off on it, or send it back for reconsideration. In this case, the Minister made an almost unprecedented decision to send the licence amendment back for reconsideration. The company wrote to the Minister twice after the public hearing, claiming that the process was unfair. After receiving the second letter from the company, the Minister wrote back stating that he could not accept any further representations due to procedural fairness concerns.

By sheer coincidence, the Minister sent the licence amendment back to the board for reconsideration on the same day, due to procedural fairness concerns. The direction for reconsideration caused an enormous amount of confusion, stress and work on the part of many participants. Recently, the company withdrew its amendment request when it realized that the reconsideration process would stretch out until the completion of the construction season. The company did not offer any new evidence to dispute the licence amendment.

Mr. Speaker, this is a very dangerous precedent in a place where many rights and interests are finely balanced, and where we still have an opportunity to get it right when it comes to water management. This is why NWT residents fought hard for land rights, co-management, and devolution. We have much higher expectations for our political leadership and will need to work very hard to restore public confidence.