



Government of
Northwest Territories

February 16, 2023

KEVIN O'REILLY
MLA, FRAME LAKE

Public Participation in Resource Management

Thank you for your letter of January 13, 2023, in which you shared your observations and recommendations on how public participation can be improved regarding resource management legislation and regulations.

In our portfolios as Minister of Environment and Natural Resources and Lands, and Minister of Industry, Tourism, and Investment, we agree that the Government of the Northwest Territories (GNWT) has made significant strides in ensuring that legislation and regulations are collaboratively developed with Indigenous governments through the Legislative Development Protocol, which includes invited non-Intergovernmental Council Indigenous governments and Indigenous organizations through Technical Working Groups. The GNWT and its Intergovernmental Council (IGC) partners dedicated significant time and effort towards developing the Protocol to establish the necessary foundation for the collaborative development of legislation and regulations in the spirit and intent of Devolution.

With respect to improving public engagement in post-Devolution resource management legislation and regulations, we thank you for offering your comprehensive analysis and recommendations. While public engagement paths may differ between initiatives based on content and current status in the legislative development process, the GNWT believes that public and stakeholder engagement is an essential component of the successful development of legislation and regulations. The GNWT ensures that engagement occurs not only with IGC partners but also with non-IGC Indigenous governments, the public and stakeholders on land and natural resource legislative development.

The GNWT has taken several steps during this 19th Legislative Assembly to advance the principles of transparency and accountability described under the Open Government Policy.

We continue to endorse and implement the Policy as we work with stakeholders to develop new land and natural resource legislation tailored to the unique Northern environment we live and work in.

.../2

The GNWT launched the Open Data Portal earlier this year, providing the public with convenient access to government data. Currently, over 300 data sets can be accessed through the portal. Data, along with stakeholder engagement, informs many policy decisions that are and will continue to be reflected in land and natural resource legislation in the Northwest Territories (NWT). We expect the number of data sets accessible through the portal will increase over time.

In Fall 2022, the GNWT also launched a social, economic and environmental indicators dashboard that provides readily accessible data visualizations for NWT residents and decision-makers. The dashboard lets individuals see improvements and challenges in our social, economic, and environmental indicators. Like the Open Data Portal, we believe this dashboard provides greater transparency relating to the data used to inform policy choices and decisions reflected in legislation.

The government in this 19th Assembly was also the first to create a specific process by which proposed regulations are published online in advance to allow for public input. This new process, introduced near the beginning of this Legislative Assembly, has resulted in the ability of NWT residents to directly shape the content of regulations in a manner that is unprecedented in our Territory. The pre-publication process is in addition to other engagement processes being undertaken by the GNWT: the specific activities you noted in your correspondence relating to the draft *Mineral Resources Regulations* and *Public Land Regulations* are other examples, and the degree to which engagement activities are undertaken is determined in part by the scope of the regulatory project.

We recognize the fact that regulations are delegated legislation; the Legislative Assembly has, in statutes, authorized Ministers and/or Cabinet to make regulations to ensure that the legislative scheme laid out in a statute can work as intended. With that authorization from the Legislative Assembly comes the responsibility to make regulations that recognize the public's role in shaping their content, and we are making continuous progress in that regard.

We are confident and optimistic that citizens will continue to offer their input on draft regulations relating to land and natural resource legislation as more are developed over time.

As the GNWT continues to evolve and advance land and resource management legislation in the NWT, the processes for public participation in resource management decisions will likewise continue to develop. We appreciate your specific suggestions relating to public registries and standardized “What We Heard Reports” as potential tools that could be used to ensure consistent and meaningful public engagement in the development of land and natural resource legislation.

Finally, concerning legislation and specifically the creation of new land and natural resource statutes such as the draft *Forest Act*, the role of Standing Committees in the legislative process must be considered when providing opportunities for significant public engagement. Standing Committees can examine a draft bill in detail, which includes seeking public feedback on the bill, proposing amendments, and holding public hearings. All of these features allow the public to examine a bill in intricate detail and make suggestions that could form the basis of amendments to the draft legislation. As the legislative landscape post-Devolution continues to develop, ideas on how to better align departmental and Standing Committee practices to avoid duplication of engagement activities, is an area that could be explored further.

Your observations and recommendations on public participation in resource management will be considered as the GNWT plans for transition to the 20th Legislative Assembly and the next set of legislative priorities.

Thank you once again for your observations and recommendations.



Shane Thompson
Minister
Lands
Environment and Natural Resources



Caroline Wawzonek
Minister
Industry, Tourism and Investment

c. Distribution List

Distribution List:

Honourable Caroline Cochrane
Premier

Jackie Jacobson
Chairperson
Standing Committee on Economic Development and Environment

Shaleen Woodward
Principal Secretary

Martin Goldney
Secretary to Cabinet/Deputy Minister
Executive and Indigenous Affairs

Jamie Koe
Deputy Minister
Lands

Dr. Erin Kelly
Deputy Minister
Environment and Natural Resources

William MacKay
Deputy Minister
Finance