

SUPREME COURT OF NOVA SCOTIA

Citation: *Sipekne'katik v. Nova Scotia (Environment)*, 2017 NSSC 23

Date: 20170127

Docket: Hfx No. 450765

Registry: Halifax

Between:

Sipekne'katik

Appellant

v.

Nova Scotia (Minister of Environment) and Alton Natural Gas Storage LP

Respondents

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Judge: The Honourable Justice Suzanne M. Hood

Heard: November 14 and 15, 2016 in Halifax, Nova Scotia

Final Written Submissions: December 20, 2016

Written Decision: January 27, 2017

Subject: *Environment Act* appeal; procedural fairness; adequacy of consultation.

Summary: Sipekne'katik appeals the decision of the Minister of the Environment to dismiss its appeal from the granting of Industrial Approval for operation of a Brine Storage Pond and associated works as part of a storage facility for natural gas.

Issues: (1) Was the decision of the Minister of Environment procedurally fair?
(2) Was the Minister's decision that consultation with Sipekne'katik was adequate a reasonable decision?

Result: The Minister's decision was not procedurally fair. Remitted back to Minister. Unnecessary to decide issue of

reasonableness of decision in the circumstances.

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