



April 9, 2019

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Ms. Darquise Lalonde
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Dear Ms. Turano and Ms. Lalonde,

RE: Administrative Monetary Penalties Regulations – Draft #2

Thank you for the opportunity to comment on Draft #2 of the Administrative Monetary Penalties Regulations (Regulations) under the *Mackenzie Valley Resource Management Act* (MVRMA). Attached are comments and recommendations from the Land and Water Boards (Boards) of the Mackenzie Valley (please see Table 1).

Please note that as stated in our previous submissions dated October 18, 2013, May 15, 2015, June 30, 2017, and April 6, 2018, the Boards believe that it is more legally appropriate that the Minister be the review body for Part 3 violations, as it is in Nunavut where the Minister is the review body for similar violations. Again, the Boards understand that this issue cannot be addressed by the Regulations, but it should be considered when the MVRMA is amended.

Should you have any questions about our comments, please contact Angela Plautz at (867) 766-7461 or aplautz@mvlwb.com.

Sincerely,


Mavis Cli-Michaud
Chair
Mackenzie Valley Land and Water Board


Elizabeth Wright
Chair
Gwich'in Land and Water Board


Joseph Mackenzie
Chair
Wek'èezhìi Land and Water Board


Larry Wallace
Chair
Sahtu Land and Water Board

Attachment: Table 1

Table 1. The Land and Water Boards’ Comments and Recommendations on Draft #2 of the Administrative Monetary Penalties (AMPs) Regulations (Regulations) under the *Mackenzie Valley Resource Management Act* (Act)

Section of Draft #1	Land and Water Boards’ Comments and Recommendations
8 Review	<p>Evidence and Submissions during the Review Process</p> <p>The Boards would like to re-iterate the importance of making the Boards’ and the Ministerial review processes as consistent as possible to minimize confusion and to ensure that they are robust, fair, and transparent.</p> <p>Therefore, it is recommended that Crown and Indigenous Relations and Northern Affairs (CIRNAC) re-consider its policy decision to limit Ministerial reviews to written exercises and remove subsection 8(2), which eliminates the Minister’s ability to hear oral evidence. The Boards’ ability to hear oral evidence and the Minister’s proposed inability to do so is a distinct, negative difference between the two review processes.</p>
Schedule 1	<p>The Boards had recommended that obstructing, hindering, and providing false and misleading information should be moved to Category 3 from Category 2, given the impact on the administration of justice. In the draft Regulations, they are still Category 2 based on CIRNAC’s discussions with enforcement teams in Nunavut and the NWT. The Boards understand that an AMP is one of the many enforcement tools that the Inspectors can use, and in these types of cases, most of them will most likely warrant a prosecution.</p>