



January 14, 2019

Ms. Diep Duong and Mr. Robert Jenkins
Environment and Natural Resources
Government of the Northwest Territories
Box 1320
Yellowknife NT X1A 2L9

Email: Diep_Duong@gov.nt.ca
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Dear Ms. Duong and Mr. Jenkins,

Re: Draft *Environmental Rights Act* Legislation

The Land and Water Boards (Boards) of the Mackenzie Valley (Gwich'in, Mackenzie Valley, Sahtu, and Wek'èezhii Land and Water Boards) have reviewed the draft Bill to enact a revised *Environmental Rights Act* (ERA) that was provided to us by the Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR).

The Boards would like to thank ENR for the opportunity to provide feedback and wish to reiterate the comments we made at the Technical Working Group (TWG) meeting on January 8, 2019. Our comments, which are strictly about how the draft Bill may impact the Boards' interests, are presented below.

Investigations (Sections 6 – 8)

- The draft Bill significantly widens the potential scope of ERA investigations to include “any act or omission that has caused or is likely to cause significant harm to the environment”. This language seems broad enough to bring the actions of the Boards within the scope of the draft Bill’s investigation provisions and could possibly result in investigations of compliance with any requirements imposed by the Boards in licences or permits. Although the Minister may simply discontinue an investigation into actions conducted in accordance with a licence or permit under paragraph 7(3)(c) of the draft Bill, the Boards recommend that activities regulated by the Boards be exempted from these investigations. The Boards are pleased that ENR committed at the TWG meeting to look at “bolstering” subsection 7(3) with a (d) to address this issue.¹

¹ See *Environmental Rights Act* Technical Working Group – January 8, 2019 Meeting Notes; pg. 3.

Statement of Environmental Values (Sections 13 – 15)

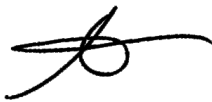
- At the TWG meeting on January 8, 2019, the Boards appreciated that ENR clarified that the Statement of Environmental Values would not affect or influence regulatory decisions, which would include the Minister's decision on a type A water licence or type B water licence in connection with a public hearing.

Reports (Sections 16 – 20)

- The Boards would like to reiterate that ENR should explore ways to align the State of Environment Report (Report) proposed in the draft ERA and similar reporting required as part of the Environmental Audit (Audit) under the *Mackenzie Valley Resource Management Act*. The Boards encourage ENR to maximize parties' participation (and not to duplicate efforts gathering parties' input) and to provide time to address issues that are raised by each cycle of Report and Audit.

Should you require more information or have any questions, please contact Angela Plautz at (867) 766-7461 or aplautz@mvlwb.com.

Yours sincerely,



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