



Yamoga Building, Old Airport Road
PO Box 1, Fort Good Hope NT X0E 0H0

Tel: 867-598-2413 Fax: 867-598-2325
www.slwb.com

August 20, 2024

File: S24L1-005

Edwin Erutse
President, Yamoga Lands Corporation
P.O. Box 229
Fort Good Hope, NT X0E 0H0

Dear Edwin Erutse,

RE: Imperial Oil Resources N.W.T. Limited - Norman Wells Operations – Renewal Type A Water Licence Application

On behalf of the Sahtú Land and Water Board (the Board or SLWB), we acknowledge receipt of your July 10, 2024, letter and comments on Imperial Oil Resources N.W.T. Limited (the Applicant)'s Type A Licence Renewal Application for the Norman Wells Operations (the Project). The Board appreciates these concerns being brought forward early in the proceeding.

In response to *Item I. K'ahsho Got'ine Rights* and *Item III. Funding for Engagement*, the Board acknowledges the rights granted to Participants and Sahtú organizations by the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* and Treaty 11. If the K'ahsho Got'ine can assist the Board by identifying any potential adverse impacts to their asserted or established Aboriginal and/or Treaty rights based on review of the Application materials, it is important to provide a submission setting out the details as part of this review. Your submission will inform any preliminary screening determinations, the planning of future steps in the Board's process, and any other Crown consultation (Board, Federal Government, or Territorial Government) steps that may be required.

The Board also acknowledges the Yamoga Lands Corporation's request for funding for participation in this proceeding; however, this is beyond the Board's authority under legislation. On August 9, 2024, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) put out a Participant Funding Call as part of the Northern Participant Funding Program, to support participation in this proceeding. The intent of the Northern Participant Funding Program is to help Indigenous peoples and Northerners access the resources and expertise needed to participate effectively in regulatory processes and impact assessments of major resource or infrastructure development projects in the North. This Participant Funding Call notification

and information package was distributed out to Sahtú organizations on August 9, 2024 and we encourage the Yamoga Lands Corporation to apply for this funding.

The Crown relies primarily on the Board's process to fulfill the duty to consult Indigenous Peoples and, if appropriate, accommodate potential adverse impacts to asserted or established Aboriginal or Treaty Rights relating to the authorizations the Board issues. However, for jurisdictional reasons, the Board does not necessarily have the authority to address all issues that may arise through consultation. Further, as Ministerial approval is required to issue a type A licence, in this case, the Crown is ultimately responsible for assessing the adequacy of the Crown's consultation and accommodation.

In response to **Item II. Timelines for Comments on the Application Package** and **Item IV. Engagement with Community Members**, the Board is aware of the difficulties resulting from the fire evacuation order of Fort Good Hope between June 15 – July 6, 2024, and has decided that additional time should be provided to Fort Good Hope residents and organizations to provide comments on the Application. The Board has provided an additional two-weeks for the public comment period and adjusted the deadline for the Applicant's reply accordingly. On August 7, 2024, Board staff notified the SLWB's distribution list, which includes Fort Good Hope organizations, of these changes. Please note that in updating the workplan at any point during this proceeding, the Board must remain within the legislated nine-month timeline (section 72.18 of the *Mackenzie Valley Resource Management Act*) and so, it was not able to grant a full month's extension.

The Board would also like to highlight additional opportunities to participate in the proceeding after the closure of the initial comment period. These include:

1) Technical Sessions or Workshops

Technical sessions and workshops are intended to resolve as many concerns and uncertainties as possible prior to the public hearing, and are open to all interested parties. We appreciate the suggestion of holding a session in Fort Good Hope for community-focused engagement with the K'ahsho Got'ine Assembly. Based on review comments and Applicant responses, the Board will consider the location of the technical sessions, pre-hearing conference, and/or public hearings, if required, and update the workplan accordingly.

2) Pre-Hearing Conference

The purpose of the pre-hearing conference (PHC) is to allow organizations to better understand the public hearing process and to identify any preliminary legal issues or matters of clarification that Parties feel the Board should address before the hearing, or any identified or potential legal concerns that Parties may raise at the hearing. The PHC is open to all Parties to the proceeding and also to their legal counsel. Board legal counsel will be present.

3) Public Hearing

The public hearing provides all Parties with a chance to present evidence and express views directly to the Board regarding the Application. Prior to the hearing, Parties that wish to participate in the hearing will

submit written interventions, which present their position and/or recommendation(s) on the issues, with supporting evidence and rationale; and the Applicant will provide a written response to the interventions. At the hearing, the Applicant and all interveners then have the opportunity to present in person and to ask questions of each other. Time will also be allotted for members of the public to present their views or ask questions of the Applicant or the interveners.

4) Review of Draft Licence Conditions

Following the hearing, the draft Licence conditions will be circulated for public review, and all Parties and the Applicant are encouraged to submit comments on the conditions during this review period.

5) Closing Arguments

Finally, all Parties and the Applicant will have an opportunity to submit written closing arguments for the record before the proceeding is closed.

In conclusion, the Board appreciates the expressions of concern set out in your July 10, 2024, letter and will give these concerns, and any further information provided during the proceeding, careful consideration as it proceeds with the preliminary screening determination and regulatory processes. We strongly encourage the Committee to continue its participation in these processes for the Application.

Should you have any questions, please feel free to contact me directly at (867) 322-0302 or by [email](#) with any questions or concerns regarding this letter.

Yours truly,



Paul Dixon
Executive Director, Sahtú Land and Water Board

BCC'd to: SLWB – Tulit'a District
SLWB – K'asho Got'ine District
SLWB - Délı ne District
SLWB – Imperial Oil Resources N.W.T. Limited
Mike Roesch – Manager, Resource and Land Management, CIRNAC
Megan Larose – Environmental Specialist, CIRNAC
Erin Goose – Inspector, GNWT-ECC
Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC
Onida Banksland – GNWT-ECC
Chief Collin Pierrot, Fort Good Hope Dene Community Council
Aurora McNeely, Fort Good Hope Métis Nation Local #54 Land Corporation
Bob Overvold, Fort Good Hope Métis Nation Local #54 Land Corporation,
Bonnie Kakfwi, Fort Good Hope Renewable Resources Council

Darcy Edgi, K'ahsho Got'ine Foundation
Daniel Masuzumi Sr., K'ahsho Got'ine Foundation
Alexa Scully, K'ahsho Got'ine Foundation
Daniel T'seleie, K'áhshó Got'In_ę Government
Ceilidh Stubbs, Legal Counsel