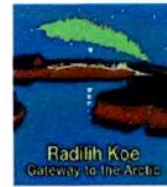


K'asho Got'ine Band



Yamoga LC



October 24, 2024

JoAnne Deneron, Chair  
Mackenzie Valley Environmental Impact Review Board

**RE: EA2425-02 – Norman Wells Operations, Imperial Oil Resources NWT Limited (“Imperial”)  
Response to the Mackenzie Valley Environmental Impact Review Board’s (the “Review Board”)  
October 16, 2024 Directive [PR#9] and Imperial’s Request for Ruling [PR #6]**

The K’ahsho Got’ine Committee<sup>1</sup> submits the following letter on behalf of the K’ahsho Got’ine of Fort Good Hope in response to the Review Board’s question to governments and organizations with referral authority under subsection 126(2) of the *Mackenzie Valley Resource Management Act* (the “Act”) in its October 16, 2024 Directive:

*Does the Sahtu Secretariat Incorporated have the authority to refer Imperial’s Water Licence renewal application (S24L1-005) and Operations Authorization (1210-001) to the Review Board for environmental assessment under paragraph 126(2)(b) of the MVRMA, considering subsection 157.1 of the MVRMA as well as the other arguments described in Imperial’s Request for Ruling?*

I. K’ahsho Got’ine Referral Authority

The K’ahsho Got’ine, represented by the Fort Good Hope Métis Nation Local #54 Land Corporation and Yamoga Lands Corporation, also have authority to refer proposed developments to the Review Board for environmental assessment pursuant to section 25.3.4 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement (the “Agreement”).

Section 25.3.4 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement (the “Agreement”) establishes the authority of the “Sahtu Tribal Council or any governmental authority” to refer development proposals to the Review Board for assessment:

A development proposal in the settlement area or which may impact upon the settlement area may be referred for assessment to the Review Board by the Sahtu Tribal Council or any governmental authority, and by the Review Board on its own motion. [*emphasis added*]

The Register of Designated Sahtu Organizations<sup>2</sup> assigns the referral authority right under section 25.3.4 of the Agreement to the Dene Bands and Metis Communities, defined under Schedule One of the Register to include the Fort Good Hope Métis Nation Local #54 Land Corporation and the Yamoga Lands Corporation.

<sup>1</sup> The K’ahsho Got’ine Committee consists of the Fort Good Hope Métis Nation Local #54 Land Corporation, the Fort Good Hope Dene Community Council, the Fort Good Hope Renewable Resources Council, the K’ahsho Development Foundation and the Yamoga Lands Corporation. Each member of the K’ahsho Got’ine Committee plays a key role in representing the K’ahsho Got’ine of Fort Good Hope and protecting our K’ahsho Got’ine Rights.

<sup>2</sup> Item 145 of the Register of Designated Sahtu Organizations is assigned to Schedule One: Dene Bands and Metis Communities.

II. Response to Imperial's Request for Ruling

The K'ahsho Got'ine Committee submits that the Sahtu Secretariat Incorporated ("SSI") has authority to refer Imperial's Water Licence renewal application (S24L1-005) and Operations Authorization (1210-001) (the "Applications") to the Review Board for environmental assessment pursuant to the Agreement and the Act.

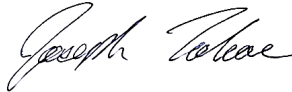
We share the views of SSI and the Tlicho Government, that SSI's referral authority set out in section 25.4.3 of the Land Claim Agreement is paramount and cannot be limited in scope by section 157.1 of the Act.<sup>3</sup> We also share the views of SSI that the ongoing operations constitute a "significant alteration" which is exempt from the grandfathering provisions under section 157.1 of the Act. Finally, we agree with SSI and the Tlicho Government's arguments that a "proposal for development" contemplated under section 126(2) of the Act is not limited to prospective developments. Therefore, SSI has authority to refer the Applications to the Review Board for environmental assessment pursuant to the Agreement and the Act.

The K'ahsho Got'ine Committee respectfully requests that the Review Board respect SSI's referral authority, dismiss Imperial's Request for Ruling and continue with the environmental assessment for the overall operations.

Sincerely,



Chief Collin Pierrot  
Fort Good Hope Dene  
Community Council



Joseph Tobac  
Yamoga Lands  
Corporation



Aurora McNeely  
Fort Good Hope Métis  
Nation Local #54 Land  
Corporation



Bonny Kakfwi  
Fort Good Hope Renewable  
Resources Council



Darcy Edgi  
K'ahsho Got'ine  
Foundation

<sup>3</sup> Under section 3.1.22 of the Act, the Agreement prevails to the extent of any inconsistency.