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March 28, 2025

File: S13L1-007

Josh Hutchings
Conventional Oil and Gas Asset Manager
Imperial Oil Resources N.W.T. Limited
750 Mackenzie Drive, Bag 5000
Norman Wells, NT X0E 0V0

Sent by email

Dear Josh Hutchings,

Re: Board-Initiated Renewal for a Three-Year Term - Norman Wells Operations (NWO) – Water Licence S13L1-007 – Norman Wells, NT.

On March 11, 2025, the Sahtú Land and Water Board (SLWB or Board) met and considered the Board-Initiated Renewal proceeding for Imperial Oil Resources N.W.T. Limited (Imperial)'s current Water Licence (Licence) S13L-007 for the Norman Wells Operations (NWO or the Project) in Norman Wells, NT in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Under subsection 72.13 of the MVRMA, the Minister of Northern Affairs has approved the renewal of the Licence (attached) for a term of three years, effective May 4, 2025, and expiring May 3, 2028. The Licence is supported by the Board's attached Reasons for Decision. These documents are also posted to the Board's Public Registry¹.

Licence Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Water Licensing Process*² (Guide) contain detailed information on licence enforcement and potential post-issuance processes, such as amendments

¹ See SLWB Online Registry for [S13L1-007](#).

² See SLWB Policies and Guidelines webpage for LWB [Guide to the Water Licensing Process](#).

to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about LWB processes related to the Licence.

Full cooperation of Imperial is anticipated and appreciated. Please contact Natalie Lippa via [email](#) or at (780) 237-3571 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink, reading "Valerie Gordon", followed by a vertical yellow line.

Valerie Gordon
Chair, Sahtú Land and Water Board

BCC'd to: Imperial Distribution List
Josh Hutchings - Imperial

Attached: Board-Initiated Renewal Proceeding - Reasons for Decision – Mar14_25.
Water Licence S13L1-007



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Reasons for Decision

Issued pursuant to subsection 72.03(1) and section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA).

Board-Initiated Water Licence Renewal	
File Number	S13L1-007
Company	Imperial Oil Resources N.W.T. Limited
Project	Norman Wells Operations
Location	Norman Wells (Tłegóhtł), NT
Activity	Industrial
Date of Decision	March 11, 2025

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On March 11, 2025, the Sahtú Land and Water Board (SLWB or Board) met and considered a short-term emergency renewal of Water Licence (Licence) S13L-007 for Imperial Oil Resources N.W.T. Limited (Imperial)'s Norman Wells Operations (NWO or the Project) in Norman Wells, NT. This renewal was proposed by the Board in response to Imperial's December 9, 2024 letter, requesting an interim extension to the term on the Licence (the Extension Request). After reviewing Imperial's Extension Request, the evidence gathered through the Board-Initiated Renewal proceeding, and relevant legislation and case law, the Board has decided to renew Water Licence S13L1-007 for a term of three years in order to allow adequate time for the Environmental Assessments of the long-term renewal and Line 490 applications (EA2425-02 and EA2425-01), and subsequent regulatory processes (S24L1-005 and S24L1-002/S24A-005), to be completed.

The Board notes that this determination does not affect the process or outcomes of the ongoing environmental assessments (EAs) for the NWO or Imperial's Line 490 Replacement Project.

These Reasons for Decision set out the Board's rationale for its decision. Background information and regulatory history for the Project is provided in section 2.0; and an outline of the process leading to the Board's determination is set out in sections 3.0 and 4.0. The Board's decision and supporting rationale are set out in sections 5.0 and 6.0

1.0 List of Defined Terms and Acronyms

AREVA	AREVA Resources Canada Inc.
BCSC	British Columbia Supreme Court
Board	Sahtú Land and Water Board
CER	Canada Energy Regulator
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CNSC	Canadian Nuclear Safety Commission
DGG	Déłnē Got'ine Government
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated. ¹
EA	Environmental Assessment
FCA	Federal Court of Appeal
FDFN	Fond du Lac Denesuline First Nation
FPIC	Free and Prior Informed Consent
GLWB	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
IR	Information Request
KGC	K'ahsho Got'ine Committee
Land Claim Agreement	Sahtú Dene and Métis Comprehensive Land Claim Agreement
Licensee	Imperial Oil Resources N.W.T. Limited (Imperial)

¹ To access the Distribution List, see the LWBs' Online Review System for [Imperial – Licence Renewal – Upcoming Expiry Date – Dec17 24.](#)

Licence	Water Licence S13L1-007
LWBs	Land and Water Boards of the Mackenzie Valley
MLA	Member of the Legislative Assembly
MVFAWR	Mackenzie Valley Federal Areas Waters Regulations
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of Crown Indigenous Relations and Northern Affairs
NWO	Norman Wells Operations
NWTSC	Northwest Territories Supreme Court
OA	Operations Authorization
ONSC	Ontario Superior Court of Justice
ORS	Online Review System (https://new.onlinereviewssystem.ca/reviews)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in this regulatory process.
Project	Norman Wells Operations, the undertaking as described in Part A of the Licence
Review Board	Mackenzie Valley Environmental Impact Review Board
SCC	Supreme Court Canada
SLUP	Sahtú Land Use Plan
SLUPB	Sahtú Land Use Planning Board
SLWB or Board	Sahtú Land and Water Board
SSI	Sahtú Secretariat Inc.
SRRB	Sahtú Renewable Resources Board
TRRC	Tulit'a Renewable Resources Council
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

2.0 **Background and Regulatory History**

On June 12, 2024, Imperial submitted a water licence renewal application (S24L1-005) for Water Licence S13L1-007 for the Norman Wells Operations (the Licence), set to expire on March 4, 2025.² The Norman Wells Operations (NWO) includes the operation of the Central Processing Facility, mainland field, operations on the natural and artificial islands, potential drilling, well and facility maintenance, integrity, project work, and progressive reclamation. These activities are located in a federal area within the Sahtú Settlement Area – Tulit'a District.

The renewal application was deemed complete and circulated for review on June 26, 2024, and on September 30, 2024, the Sahtú Secretariat Inc. (SSI) referred the renewal application for the Licence and the extension application for the Canada Energy Regulator's (CER) Operations Authorization (OA) for the NWO to Environmental Assessment (EA) to the Mackenzie Valley Environmental Impact Review Board (the Review Board) under section 126 of the [Mackenzie Valley Resource Management Act](#) (MVRMA).³ This EA is currently in progress and expected to continue until some time in the fall of 2026. In the interim, the

² See [SLWB Online Registry](#) for [S24L1-005 – Renewal Application – Norman Wells Operations – Jun12 24](#).

³ See the Review Board Online Public Registry (www.reviewboard.ca/registry) for EA2425-02 – Norman Wells Operation: [Letter from SSI to SLWB referring WL S24L1-005 to EA](#) and [Letter from SSI to CER referring OA1210-001 to EA](#)

Board has suspended the regulatory process for S24L1-005 and will resume the proceeding after the EA is completed as per subsection 72.22(2) of the MVRMA.

On October 9, 2024, Imperial submitted a request for ruling, questioning the Review Board's authority to conduct an EA of the NWO. On December 3, 2024, the Review Board ruled that it can and will proceed with the EA of the Renewal Application and the extension application for the OA for the NWO (EA2425-02).⁴

While the Review Board was still processing Imperial's request for ruling, the CER had already given public notice of its decision to extend the OA on an interim basis until the completion of the Review Board's EA,⁵ and on November 14, 2024, Imperial subsequently requested a similar extension from the SLWB for Licence S13L1-007.⁶ Subsection 118(1) of the MVRMA prohibits the Board from issuing a licence, permit, or other authorization required for a project unless the requirements of Part 5 of the MVRMA have been met.⁷ In response, the SLWB noted the limitations to its authority, especially considering that the Review Board had not made its decision; however, the SLWB also asked Imperial to further clarify the situation in Norman Wells.⁸

On December 9, 2024, the SLWB received a second request from Imperial to extend the Licence, which was to expire March 4, 2025, with no changes to licence conditions (the Extension Request).⁹ In the Extension Request, Imperial set out the potential effects of a winter shut-in of the NWO, indicating that, in its view, these circumstances warrant emergency action by the Board. The Extension Request also stated that in the absence of an extension, Imperial will have to take steps to shut-in the NWO by March 4, 2025.

The MVRMA does not grant the Land and Water Boards (LWBs) the authority to extend licences;¹⁰ however, the LWBs have the authority to act in the public interest and this includes decisions taken to avoid an emergency situation.¹¹ To allow sufficient time for the EA process and other regulatory processes related to the NWO to be carried out, the Board decided to exercise its authority to act in the public

⁴ See the Review Board Online Public Registry for EA2425-02 – Norman Wells Operation: [Review Board Decision with Reasons Regarding Imperial's Request for Ruling](#)

⁵ See the Review Board Online Public Registry for EA2425-02 – Norman Wells Operation: [Letter from CER to Imperial re Interim Extension to Operations Authorization](#).

⁶ See the SLWB Online Public Registry for [S13L-007 – Imperial Oil Resources N.W.T. Limited – Imperial to SLWB Letter Re Interim Extension – Nov14 24](#).

⁷ See subsection 118(1) of the [MVRMA](#).

⁸ See the SLWB Online Public Registry for [S13L-007 – Imperial Oil Resources N.W.T. Limited – SLWB to Imperial Letter Re Interim Extension – Nov28 24](#)

⁹ See the SLWB Online Public Registry for S13L-007 – [Imperial to SLWB Letter Re Upcoming Expiry Date and Continuation of EA2425-02– Dec9 24](#).

¹⁰ For more information regarding how the LWBs address applications that include requests to amend or extend the term of a licence, see the LWB [Reference Bulletin: Water Licence Term Changes](#).

¹¹ See paragraph 119(b) of the [MVRMA](#).

interest and initiate a process to consider a renewal of the Licence for a period of three years on an emergency basis, with no changes to the Licence.¹²

To inform its decision on whether to initiate a proceeding for a short-term renewal of the Licence, the Board requested public input on the Extension Request by distributing it to the Imperial Distribution List for review by email on December 13, 2024, and through the Online Review System (ORS) on December 17, 2024. The Board specifically asked reviewers to comment on:

- The potential consequences and risks associated with a winter shut-in of the NWO;
- Whether, in their view, a short-term renewal would be in the public interest;
- The proposed term of three years for the short-term renewal; and
- Whether an expedited proceeding would be acceptable under the circumstances.

The comment period was until December 20, 2024, and extended to December 23, 2024, and Imperial responded by December 31, 2024. The Board received comments and recommendations from a broad range of parties, including Indigenous organizations and governments (SSI, K'ahsho Got'ine Committee (KGC), Tłegóhtł Got'ine Government Incorporated, Hamlet of Tulit'a, Tulit'a Renewable Resources Council (TRRC), Sahtú Renewable Resources Board (SRRB), Government of the Northwest Territories (GNWT) – Department of Environment and Climate Change (ECC), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), members of the public and Imperial employees, and several Sahtú local/regional businesses.¹³ There were 32 separate submissions in support of initiating the renewal Licence proceeding as an emergency measure, including a letter of support from SSI. The KGC responded that it could not provide input within the timeline provided for the review and cited concerns about the potential risks and impacts associated with continued operations under the existing Licence conditions. The KGC did not address the potential risks and consequences of an emergency shut-in with no licence in place at that time.¹⁴

On January 9, 2025, the Board met and, based on the evidence from the public review, decided it was in the public interest to initiate an expedited short-term renewal proceeding for the Licence. Given the potential emergency posed by a winter shut-in of the NWO, the Board decided to limit the scope of the renewal proceeding to the term and to propose a three-year term.¹⁵ No other changes to the Licence were proposed or considered by the Board. The proposed term of three years would account for up to 16 months for the Review Board to conduct the EA, including a public hearing; up to five months for a subsequent decision by Ministers;¹⁶ and subsequently, additional time for the SLWB to complete its regulatory process for Renewal Application S24L1-005.

¹² See paragraph 72.12(1)(a) of the [MVRMA](#).

¹³ See SLWB Online Review System [Imperial NWO Licence Renewal – Upcoming Expiry Date – Dec.31 24.](#)

¹⁴ See SLWB Online Registry for [Board-Initiated Renewal Proceeding – Reviewer Comments and Proponent Responses – Dec31 24.pdf](#) – Letter from KGC, pg. 46/87

¹⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Decision and RFD – Jan10 25.](#)

¹⁶ See subsections 128(2.1) and 130(4.02) of the [MVRMA](#).

On the same day, the Board considered the need to make a preliminary screening determination for the proposed short-term renewal.¹⁷ The Board determined that the expiry of the Imperial's Water Licence S13L1-007 term would result in an emergency. Consequently, under paragraph 119(b) of the MVRMA, the Board's decision to initiate a proceeding to renew the licence term did not require a preliminary screening.

Although the Board decided to conduct an expedited proceeding for the three-year renewal, it still could not fairly complete this process by the time the Licence would expire on March 4, 2025. On January 7, 2025, Imperial submitted a 60-day Renewal Application with no changes proposed to the Licence conditions, simply intended to allow adequate time to complete the three-year renewal proceeding. The 60-day Renewal Application was deemed complete and circulated to the Distribution List for public review on the ORS on January 13, 2025.¹⁸

For this 60-day Renewal Application, review comments were due on January 27, 2025, and Imperial responded on January 28.^{19, 20} Subsequently, on February 6, 2025, the Board met and made its preliminary screening determination and its decision on the 60-day Renewal Application.^{21, 22} The Board decided to renew the Licence for 60 days as requested and forwarded this recommendation to the Minister. On February 11, 2025, the Board received the Minister's signature on the renewed Licence, which now expires on May 3, 2025.²³

3.0 Main Issues Raised During the Regulatory Proceeding

These Reasons for Decision focus primarily on the following key issues raised during the regulatory proceeding by the KGC. All other parties who participated in the proceeding are in support of a three-year term for the Licence renewal. The KGC was not in support of the proposed three-year term, preferring a shorter term, and raised concerns related to:

1. The term of the Licence;
2. An option to develop a care and maintenance licence for a temporary shut-in as an alternative to renewing the Licence for three years;
3. Environmental concerns with ongoing operation of the NWO;
4. The Crown's Duty to Consult and accommodate, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and Free and Prior Informed Consent (FPIC); and
5. Impacts on the exercise of K'ahsho Got'ine Rights.

¹⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding - Preliminary Screening and RFD – Jan10 25](#).

¹⁸ See SLWB Online Review System for [Imperial – 60-day Renewal Application – Jan13 25](#).

¹⁹ See SLWB online registry for [S13L1-007 – IORL - 60-Day Renewal – Reviewer comments and responses – Jan28 25.pdf](#)

²⁰ See SLWB Online Registry for [S13L1-007 – IORL – 60-day Renewal – Imperial to SLWB – Response to Reviewer Comments – Jan28 25.pdf](#)

²¹ See SLWB Online Registry for [S13L1-007 – 60-day Renewal – Preliminary Screening and RFD – Notification to Review Board – Feb7 25](#).

²² See SLWB Online Registry for [S13L1-007 – 60-Day Renewal – Issuance Package – Decision and RFD – Feb11 25](#).

²³ See SLWB Online Registry for [S13L1-007 – 60-Day Renewal – Minister Approval – Feb11 25](#).

These five points above are addressed in detail in these Reasons.

4.0 Regulatory Process

On January 9, 2025, the Board met and determined that a preliminary screening was not required for a short-term Renewal, as described in section 2.0.²⁴

The Board distributed the proposal for a short-term Renewal for public review on January 13, 2025, through the ORS. The Board specifically asked interested parties to comment on the proposed three-year term – no other changes to the Licence were proposed.

With this ORS posting, Board staff also distributed a draft work plan for public review.²⁵ This included scheduling a public hearing as per paragraph 72.15(2)(b) of the [MVRMA](#). Comments on the draft work plan (V1) were received by January 21, 2025, from: CIRNAC and the GNWT-ECC.^{26,27} Board staff subsequently circulated a revised work plan to the Distribution List on January 29 (V2),²⁸ January 31 (V3),²⁹ and February 10, 2025 (V4).³⁰

Public notices of the Board-Initiated Renewal proceeding and the public hearing were published in *News North* during the week of January 13, 2025, to fulfill subsections 72.16(1) and 72.16(2) of the [MVRMA](#).³¹ This information was posted to the SLWB Facebook page and the Public Hearing was also advertised on the Land and Water Board's webpage on February 17, 2025.

On January 27, 2025, the review period was extended to January 28, 2025, in response to a request from the KGC. By January 28, 2025, the Board received comments and recommendations from the following organizations:^{32,33}

- K'ahsho Got'ine Committee (KGC), submitted under the Yamoga Land Corporation
- Government of the Northwest Territories (GNWT) – Department of Environment and Climate Change (ECC)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
- Department of Fisheries and Oceans Canada (DFO)

On February 3, 2025, the response period was extended to February 5, 2025, in response to a request from Imperial. By February 5, 2025, Imperial responded to the Parties' comments and recommendations and submitted a response letter to the SLWB.³⁴

²⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding - Preliminary Screening and RFD – Jan10 25](#).

²⁵ See SLWB Online Registry for [S13L1-007 - Board-Initiated Renewal – Work Plan V1 – Jan13 25](#).

²⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – CIRNAC Comments on Work Plan V1 – Jan21 25](#).

²⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – GNWT-ECC Comments on Workplan V1 – Jan20 25](#).

²⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Workplan V2 – Jan29 25](#).

²⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Workplan V3 – Jan31 25](#).

³⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Workplan V4 – Feb10 25](#).

³¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Advertisement of Public Hearing – Jan13 25](#).

³² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#).

³³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Reviewer Comments and Responses – Feb5 25](#).

³⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#).

The pre-hearing conference was held virtually on February 10, 2025, to discuss logistical, procedural, and potential legal issues or matters of clarification, as well as to briefly outline the LWB [Rules of Procedures](#).³⁵ The pre-hearing conference also provided an opportunity for Parties to indicate whether they intended to appear at the hearing. Representatives from Imperial, CIRNAC, the KGC, GNWT-ECC, SRRB, the Délı̨ne Got'ine Government (DGG), DFO, and the SLWB participated in the pre-hearing conference. By noon on February 10, 2025, the KGC was the only Party that indicated they wanted to present at the Hearing; Mayor Frank Pope of Norman Wells and Daniel McNeely, MLA for the Sahtú District, registered to speak at the Hearing as members of the public.

On February 14, 2025, Board staff circulated the agenda.³⁶

To expedite the proceeding, as specified in all versions of the work plan, there were no written interventions for this proceeding; however, presentation materials were still required from the KGC and Imperial in advance of the Hearing. On February 17, 2025, a public hearing presentation was received from the KGC,³⁷ and Imperial submitted a public hearing presentation on February 18, 2025.³⁸

The Public Hearing was held virtually on February 19, 2025, and the hearing was recorded and transcribed, with a list of participants included.³⁹ There were no undertakings from the Public Hearing.

On February 26, 2025, the KGC and CIRNAC submitted written closing arguments to the Board,^{40,41} and Imperial submitted closing arguments on March 4, 2025.⁴² Parties and Imperial had an opportunity, in their closing arguments, to update their position on issues raised during the regulatory proceeding, and to summarize their final recommendations to the Board.

On March 11, 2025, the Board met to make decisions regarding the Board-Initiated Renewal. These decisions and related reasons are described in sections [5.0](#), and [6.0](#) below.

5.0 Legislative Requirements Related to Licence Issuance

This Project is subject to the [MVRMA](#) and the [Mackenzie Valley Federal Areas Waters Regulations](#) (MVFAWR) with respect to licensing because it is located in a federal area. The Licence for this Project is within the Board's jurisdiction as per subsections 60(1) and 102/(2) of the [MVRMA](#).

In conducting its regulatory process for the Board-Initiated Renewal (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements

³⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Pre-hearing Conference Agenda – Feb4 25](#).

³⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal - Public Hearing Agenda – Feb14 25](#).

³⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#).

³⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – Imperial Presentation – Feb18 25](#).

³⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal - Public Hearing Transcripts – Feb19 25](#).

⁴⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – K'ahsho Got'ine Committee – Closing Arguments – Feb26 27](#).

⁴¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – CIRNAC-RLM – Closing Arguments – Feb26 25](#).

⁴² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial - Closing Arguments – Mar4 25](#).

have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [6.0](#).

5.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).⁴³ The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met, and engagement and consultation results are clearly articulated. In this case, there was no application, so Imperial did not conduct engagement specific to the short-term renewal prior to the commencement of the proceeding. In accordance with the Policy and Guidelines, Imperial's recent overall engagement efforts and proposed procedures for the Project are detailed in the Engagement Record and Plan (Version 4),⁴⁴ submitted with Imperial's long-term renewal application (S24L1-005). Due to the on-going EA process for S24L1-005, however, the Board has not yet considered this submission, since it is part of the S24L1-005 application; however, the Board has previously approved the Imperial's Engagement Plan (Version 3)⁴⁵ in June 2015, and Imperial must continue engagement efforts as outlined in the approved Engagement Plan as required in the Licence.

Notice of the Board-Initiated Renewal proceeding was posted to the Board's Public Registry and distributed through the ORS, and public notice of the proceeding was posted in the regional newspaper (*News North*). For this proceeding there was a comment and response period, Pre-Hearing Conference, Public Hearing with presentations, and Closing Arguments. As the Project is located in the Sahtú Settlement Area, Tulit'a District, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.⁴⁶ The Distribution List was used throughout this proceeding to circulate all submissions, information, and updates related to the

⁴³ See SLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

⁴⁴ See SLWB Online Registry for [S25L1-005 – Appendix H – Engagement Matrix; Appendix I – Engagement Log; Appendix J – Engagement Summary; and Community Engagement Plan for Sahtú Settlement Area](#).

⁴⁵ See SLWB Online Registry for [S13L7-007 – 2013-2024 Engagement Plan Version 3.0 – Jun15 15](#).

⁴⁶ To access the Distribution List, see the LWBs' Online Review System for [Imperial – NWO – Board-Initiated Renewal Proceeding – Jan13 25](#).

proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added.

During the Pre-Hearing Conference on February 10, 2025, all parties were asked if they would like to participate in a Public Hearing. By the response deadline, only the KGC responded they would like to attend and present at the Public Hearing. Mayor Frank Pope of Norman Wells, NT and Member of the Legislative Assembly (MLA) for the Sahtú Daniel McNeely also registered to speak as members of the public, at the Public Hearing. Presentations were submitted by the KGC⁴⁷ and Imperial⁴⁸ before the Public Hearing. The Public Hearing was held on February 19, 2025.

During the proceeding, the KGC did not support the proposed three-year term, preferring a shorter term, and as mentioned above in section 3.0, raised concerns related to:

1. The term of the Licence;
2. An option to develop a care and maintenance licence for a temporary shut-in as an alternative to renewing the Licence for three years;
3. Environmental concerns with ongoing operation of the NWO;
4. The Crown's Duty to Consult and accommodate, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and Free and Prior Informed Consent (FPIC); and
5. Impacts on the exercise of K'ahsho Got'ine Rights.

Consequently, and in accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Board-Initiated short-term Renewal proceeding was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

5.2 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence. The *Sahtú Land Use Plan (SLUP)*⁴⁹ does not apply in the Project area, as the Project falls under the definition of legacy land use, which is the *'ongoing or proposed land uses for which one or more applicable authorizations have been issued under federal or territorial law prior to the Plan coming into effect.'* The SLUP was adopted by the Sahtú Land Use Planning Board (SLUPB) in April 2013 and received approval, coming into effect August 8, 2013, after this Project was initially approved. The Board has met the requirements as per section 46 of the MVRMA.

5.3 Water Use Fees

Under the existing Licence, the Board has authorized a maximum water use volume of 3,500,000m³/year, as indicated on the Licence cover page and set out in Part D of the Licence. No changes were made to this

⁴⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#).

⁴⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial's Presentation – Feb18 25](#).

⁴⁹ See SLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Sahtú Land Use Plan](#).

authorized volume as part of the Board-Initiated Renewal. As per subsection 9(1) of the [MVFAWR](#), annual water use fees \$59,050.00 (as determined based on the LWB [Water Use Fee Policy](#)⁵⁰ and the [Water Use Fee Calculator](#)⁵¹) must continue to be paid in advance of each year's water use for the duration of the Licence.

The Board notes that Imperial has already submitted the required water use fees for the coming year of authorized water use.⁵² The Board is satisfied that Imperial has submitted sufficient fees for the current year of water use.

5.4 Existing Licences

During the time period established in the Notice of Application, no licensees or applicants contacted the Board to identify potential effects from the Project on other projects during the term of the renewed Licence, and there are no other applicants with precedence. Accordingly, with respect to paragraph 72.03(5)(a) of the [MVRMA](#), the Board is satisfied that issuing the renewed Licence to Imperial will not adversely affect, in any significant way, any existing licensee or any other applicant, provided Imperial complies with the conditions of the Licence.

5.5 Compensation to Existing Water Users

Paragraph 72.03(5)(b) of the [MVRMA](#) prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to persons who would be adversely affected by the use of waters or deposit of waste proposed by the Applicant, at the time when the Applicant filed the Licence Application with the Board.

While the Board is aware that potential compensation claims have been identified in relation to Imperial's long-term renewal application for the Project (S24L1-005), the Board received no claims for compensation for the proposed short-term renewal either during the time period established in the *Notice of Board's Intention to Consider Water Licence Renewal in the Public Interest*, or during the remainder of the regulatory proceeding. Any compensation claims submitted for S24L1-005 will be addressed when the regulatory proceeding for that application resumes.

5.6 Water Quality Standards

With regards to subparagraph 72.03(5)(c)(i) of the [MVRMA](#), no water quality standards have been prescribed in the [MVFAWR](#). No changes to the Project or the existing Licence conditions were proposed in the renewed Licence, so the Board is satisfied that compliance with the conditions set out in the Licence will ensure that waste continues to be managed and disposed of in a manner that will be protective of water quality in the receiving environment during the short term of the renewed Licence.

⁵⁰ See SLWB Policies and Guidelines webpage to access the LWB [Water Use Fee Policy](#).

⁵¹ See SLWB Apply for Permit/Licence webpage to access the [Water Use Fee Calculator](#).

⁵² See SLWB Online Registry for [S13L1-007 – 2024 Water Use Fees – Jan29 25](#).

5.7 Effluent Quality Standards

With regards to subparagraph 72.03(5)(c)(ii) of the [MVRMA](#), no effluent quality standards have been prescribed in the [MVFAWR](#); however, Part E of the Licence includes effluent quality criteria (EQC) that were established for the Project. No changes to the Project or the Licence conditions, including the EQC, were proposed in the renewed Licence. Accordingly, the Board is satisfied that compliance with these criteria and associated conditions will ensure that effluent from the Project continues to be disposed of in a manner that will be protective of water quality in the receiving environment during the short term of the renewed Licence.

5.8 Financial Responsibility

Under paragraph 72.03(5)(d) of the [MVRMA](#), before the Board can issue the Licence, it must be satisfied that Imperial's financial responsibility is adequate to complete the Project, including any required mitigation measures, and the closure and reclamation of the site.

Part C and Schedule 2 of the Licence set out the existing security requirements for the Project. The required security in the amount of \$180,883,606.00 has been posted and accepted by the Minister⁵³ under the current Licence and must be maintained under the renewed Licence as per Part C, Schedule 2, Condition 1. Under paragraph 72.11(2)(b) of the MVRMA, the Minister can apply this security to carry out mitigations and remedial measures in the event of non-compliance with an Inspector's orders, or to carry out closure and reclamation if the site is abandoned. No changes to the Project or to the Licence conditions were proposed in the renewed Licence, so the Board is satisfied that adequate financial resources will be in place to ensure that the Project site can be restored if necessary.

As a result, and for the reasons set out above, the Board is satisfied that the legislated requirement to establish the financial responsibility of Imperial for the Project has been met.

5.9 Minimization of Adverse Effects

With regards to subsection 72.04(2) of the MVRMA, the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. The Board provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board has also confirmed that the Project conforms with the [Sahtú Land Use Plan](#).

During the proceeding, the Board did receive notice of potentially adverse effects on other users of the water and lands in the Project area from the KGC. In the KGC's January 28, 2025 review letter, they outlined concerns related to adverse environmental effects:

‘... K’ahsho Got’ine have repeatedly expressed concerns about the impact of the Norman Wells Operations on the health of the Mackenzie River, including concerns about water quality, fish health, animal health and human health. K’ahsho Got’ine have also

⁵³ See the SLWB Online Registry for [S13L1-007 – Confirmation of Security – Nov 13 16](#).

repeatedly shared Indigenous Knowledge about observed changes to the Mackenzie River including reduced fish populations, animals changing their migration patterns away from the Mackenzie River, animal and fish deformities, increased oil seeps, low water levels, and dredging of the riverbed. These concerns about the impact of the Norman Wells operations on the Mackenzie River have significantly impacted the exercise of our K’ahsho Got’ine Rights, including rights to hunt, fish and harvest from the Mackenzie River. K’ahsho Got’ine have limited exposure to the Mackenzie River by filtering river water or drinking bottled water, preventing our children from swimming in the river, limiting fishing, hunting, and harvesting on and near the river, and limiting the consumption of harvested foods from the river. The proposed three-year term of the Emergency Licence will allow the Norman Wells Operations to continue to impair our K’ahsho Got’ine Rights without meaningful accommodation.’⁵⁴

The existing Licence was developed to mitigate and monitor the impacts associated with the NWO, and the conditions and requirements within it can be enforced while the Licence remains in effect. The Licence includes conditions to regulate waste management and operations, including requirements for several management plans (Groundwater Management Plan, Waste Management Plan, Flowline Integrity Management Plan, Spill Contingency Plan, Emergency Response Plan, Environmental Protection Plan, and Closure and Reclamation Plan) and monitoring plans (Surveillance Network Program, Aquatic Effects Monitoring Plan), for the purpose of protecting the receiving environment. Additionally, Part D and Schedule 3 of the Licence includes conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use.

No changes to the Project or the Licence Conditions were proposed in the renewed Licence. Flexibility and adaptability are already built into the existing Licence framework through the above-listed management and monitoring plan requirements, all of which are reviewed regularly and revised as necessary. The LWBs’ standard review process applies to submissions of revised plans, and any submission that requires Board approval is circulated for public review before being considered by the Board.

It is the opinion of the Board that continued compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area over the course of the short-term Renewal. Existing conditions in the Licence framework provide mechanisms to address the KGC’s concerns regarding environmental impacts and monitoring of continued operations during the short-term Renewal, which is discussed in further detail in section 6.3.

5.10 Time Limit

As required under subsection 72.18(1) of the [MVRMA](#), the Board made its decision on the Licence within nine months from the initiation of the Licence proceeding.

⁵⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28_25](#).

5.11 Environmental Review (Part 5 of the MVRMA)

Part 5 of the MVRMA establishes the environmental impact assessment process, which is comprised of three steps: preliminary screening, environmental assessment, and environmental impact review.

A preliminary screening was conducted for the NWO on April 28, 1999⁵⁵. This screening was undertaken in association with Imperial's Application for type A Water Licence S99L1-003, which was issued on August 30, 1999⁵⁶. At the time of screening, the Board determined that the Project was unlikely to have significant environmental impacts, or be of public concern; it did not refer the Project to the Review Board for additional Environmental Assessment.

The Licence was renewed on August 30, 2004⁵⁷ and again on March 5, 2015.⁵⁸ On both occasions, the Board determined that the Project had not been modified and was exempt from preliminary screening in accordance with section 2 of the Exemption Regulations.⁵⁹

The Board previously contemplated the limitations of subsection 118(1) in both its January 10, 2025, Reasons for Decision regarding the initiation of a proceeding to renew the Licence for three years in the public interest,⁶⁰ and its Reasons for Decision regarding whether a preliminary screening is required for the short-term Renewal.⁶¹ The Board also considered it with respect to the 60-day Renewal application specifically in its February 6, 2025, Reasons for Decision regarding whether a preliminary screening is required for the Application.⁶² On all occasions, the Board determined that the expiry of the Licence, and the resulting shut-down of the NWO with no licence in place, would result in an emergency as contemplated under paragraph 119(b) of the MVRMA.

The short-term Renewal proposed by the Board, similar to the 60-day Renewal, is intended to prevent the emergency associated with the expiry of the Licence, thereby protecting the environment, property, and public health, welfare, and safety. Consequently, in its January 10, 2025, Reasons for Decision, the Board concluded that, as per paragraph 119(b) of the MVRMA, no preliminary screening was required for the short-term Renewal.⁶³ The Board is therefore satisfied that subsection 118(1) does not prohibit the Board from issuing the renewed Licence despite the fact that the requirements of Part 5 have not been completed due to the on-going EA of the Project.

⁵⁵ See SLWB Online Registry for [S24L1-005 \(as S99L1-003\) - Preliminary Screening 16_99](#)

⁵⁶ See SLWB Online Registry for [S99L1-003 - Terms and Conditions - Aug 30_99](#)

⁵⁷ See SLWB online registry for [S03L1-001 - Water Licence - Aug 30_04](#)

⁵⁸ See SLWB online registry for [S13L1-007 - IORL - Water Licence and SNP - Mar 5_15](#)

⁵⁹ See SLWB online registry for [S13L1-007 - Reasons for Decision - Dec 31_14](#) (See pg. 4 of 51)

⁶⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Reasons for Decision – Jan 10_25](#).

⁶¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Preliminary Screening Determination and RFD – Jan 10_25](#)

⁶² See SLWB Online Registry for [S13L1-007 – 60-day Renewal – Preliminary Screening and RFD – Notification to Review Board – Feb 7_25](#).

⁶³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Preliminary Screening Determination and RFD – Jan 10_25](#)

6.0 Decision – Water Licence S13L1-007

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The submissions, comments and recommendations, and other evidence received by the Board from Imperial and Parties in response to the Board’s request for public input on whether to initiate the short-term Renewal proceeding;
- 2) The submissions, comments and recommendations, and other evidence received by the Board from Imperial and Parties during the regulatory proceeding for the short-term Renewal, including Imperial’s December 9, 2024, Extension Request, information from the public review and response period, the Pre-Hearing Conference, the Public Hearing, and the Closing Arguments;
- 3) The submissions, comments and recommendations, and other evidence received by the Board in the related proceeding for the 60-Day Renewal Application; and
- 4) Any other information on the public record for the Project that the Board determined to be relevant to understanding Imperial’s history of regulatory compliance.

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#), the Board has decided to renew Licence S13L1-007 for a period of three years with no changes to the Licence conditions. The Board’s determinations and reasons for this decision are detailed below.

The Board notes that the only alternative to renewing the Licence at this time would be to allow the Licence to expire, resulting in an unregulated emergency winter shut-in, which was not supported by any Parties. The Board agrees that this option is unacceptable, creates risks to the environment and Sahtú Rights and that it would not be in the public interest. Accordingly, these Reasons do not address this option further and, instead, focus on determining the most appropriate term for the short-term Renewal of the Licence and addressing related concerns.

Through its decisions on whether to initiate the short-term Renewal and whether a preliminary screening was required, the Board determined that the short-term Renewal is in the interest of preventing an emergency, and after considering all of the evidence before it from the three proceedings, the Board maintains this position. The emergency nature of this situation is not strictly tied to implementing an immediate shut-in of the NWO in the winter months – serious consequences persist even if the shut-in is implemented in the summer months.

The Board also notes that, under paragraph 72.12(1)(a) of the [MVRMA](#), the Board has the statutory authority to renew a licence “if the renewal appears to the board to be in the public interest.” This authority is discretionary, and the MVRMA does not define “public interest.” The consideration of what is in the public interest is integral to the Board’s determination and reasoning regarding the appropriate term for the Licence. In this case, there are many complex aspects to determining what term best serves the public interest, and these Reasons describe the Board’s efforts to balance all of these aspects in its decision, using the evidence before it.

Finally, the Board would like to highlight that this proceeding was expedited due to the impending expiry of the Licence. Despite the 60-day Renewal to May 3, 2025, avoiding expiry of the Licence necessitated cooperation by all Parties over the course of the proceeding. The Board appreciates that this placed a strain on Parties' resources, as was highlighted by the KGC. The Board made every effort to accommodate requests for more time within the limitations imposed by the circumstances.

6.1 Term of Renewal

The three-year term of the Renewal takes into account the time required for the Review Board to conduct the EA for the Project; the decision by the responsible Ministers on the EA report; and subsequently, the SLWB's regulatory process for the long-term renewal (S24L1-005). As explained in the Board's Reasons for Decision regarding the initiation of the short-term Renewal proceeding, the average time to complete an EA is in the order of two years, and the Board's subsequent regulatory proceeding, including a public hearing, for the long-term renewal could reasonably be expected to take a year.

In its initial request on December 13, 2024 for public input on whether to initiate a renewal proceeding, the Board asked reviewers for input on the proposed three-year term. The Board received comments and recommendations from a broad range of reviewers, most of whom either specifically agreed that the three-year term was reasonable or did not state that they disagreed with the proposed term.⁶⁴

Notably, the Sahtú Secretariat Inc. (SSI), who referred the long-term renewal application to EA, stated that *'SSI considers the three-year term proposed for the Emergency Licence to be reasonable in the circumstances, based on the SLWB's estimates of up to sixteen months for the Review Board to complete the environmental assessment, up to five months for a decision by appropriate Ministers, and additional time for the existing renewal process before the SLWB to be completed.'*⁶⁵ SSI did not participate further in the proceedings for the short-term Renewal.

At that time, the Sahtú Renewable Resources Board was the only party that recommended a different term for the renewal, suggesting that the proposed term should align with the CER's interim extension to the Operations Authorization for the NWO.⁶⁶ Since the Review Board is proceeding with the EA, this would mean setting a conditional term for the renewal as either three months after the EA report is issued or July 31, 2025, whichever comes earlier. Aside from being unable to set a conditional term for a licence, the Board cannot reasonably consider this recommendation, because both of these options would ultimately require an additional short-term renewal, regardless of when the EA concludes.

⁶⁴ See the SLWB Online Registry for https://lwb-registry-867.s3.ca-central-1.amazonaws.com/Documents/S13L1-007/S13L1-007-Board-Initiated Renewal Proceeding - Reviewer Comments and Responses - Dec31_24.pdf Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31_24.pdf -

⁶⁵ See the SLWB Online Registry for [Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31_24.pdf](https://lwb-registry-867.s3.ca-central-1.amazonaws.com/Documents/S13L1-007/S13L1-007-Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses - Dec31_24.pdf) – SSI Response letter, p73/87.

⁶⁶ See the SLWB Online Registry for [Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31_24.pdf](https://lwb-registry-867.s3.ca-central-1.amazonaws.com/Documents/S13L1-007/S13L1-007-Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses - Dec31_24.pdf) – SRRB Comment 01, p1/87.

Considering the above, the Board concluded it was appropriate to propose a three-year term for the short-term Renewal proceeding.⁶⁷ Since the scope of the proceeding for the short-term Renewal would be limited to the term, the Board anticipated further input from interested parties on this proposal, which is discussed below.

During the public review for the short-term Renewal, CIRNAC and GNWT-ECC expressed support for the issuance of a renewal with a term that would both avoid an emergency shut-in and allow for the completion of the EA and subsequent regulatory processes.⁶⁸

The KGC, on the other hand, supported issuance of the short-term Renewal but specifically opposed the three-year term, arguing that the three-year term would be ‘longer than necessary to mitigate the risks of a shut-in.’⁶⁹ The KGC also expressed concerns about ongoing impacts to the environment and the exercise of K’ahsho Got’ine Rights if the NWO were authorized to continue operations over the three-year term – these concerns are addressed further below in sections [6.3](#) and [6.4](#).

Consequently, the KGC recommended that the Board consider a shorter term that would allow for mitigation of the potential impacts and for safe implementation of the shut-in by conducting it in the summer months. The KGC requested more information about Imperial’s shut-in procedures in order to determine what alternative term to recommend.⁷⁰

In response, Imperial referenced information about shut-in procedures that had been provided to the CER, noting that it had not yet developed detailed procedures for a summer shut-in, because it had been focused on preparing for a winter shut-in scenario. Imperial stated it would expect implementation of a summer shut-in to take 4-6 weeks.⁷¹

While Imperial agreed that a number of environmental risks associated with a winter shut-in could be mitigated by implementing the shut-in during the summer; Imperial noted that this change would not address the potential social, economic, and energy supply impacts previously identified by parties during the Board’s initial request.⁷² Imperial argued that a shorter term is, therefore, not in the public interest and that the three-year term is appropriate.⁷³

In order to provide Parties with the opportunity to respond to Imperial’s additional evidence about a summer shut-in, Parties were allowed to include new evidence and argument in the written presentations

⁶⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Decision Letter and RFD – Jan10 25](#).

⁶⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal.- Reviewer Comments and Proponent Responses – Feb5 25](#).

⁶⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#).

⁷⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#).

⁷¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#), p3

⁷² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#), p1 and p2

⁷³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#), p1

submitted to the Board prior to the hearing. They also had the opportunity to address this evidence in written closing arguments.

In their presentations and closing arguments, the KGC and Imperial maintained their respective positions on the term. CIRNAC, the only other party to submit a closing argument, did not set out a recommendation on the term.⁷⁴ The KGC again acknowledged that the Renewal was necessary, but suggested that the lack of regulatory oversight that would result from its recommended shorter term for the Renewal could be avoided by issuing a care and maintenance licence for the shut-in.⁷⁵

In its closing arguments, Imperial reiterated that a three-year term is necessary to avoid an unregulated shut-down and the associated potential environmental and socioeconomic impacts.⁷⁶ While Imperial did respond to the KGC's recommended alternative in its public hearing presentation, in its closing arguments, it did not acknowledge it and only observed that the KGC had not recommended a specific term for the short-term Renewal.⁷⁷

The Board also recognizes that the KGC did not provide a specific recommendation for the term; however, the Board believes that the KGC's position was very clear: the Board should only issue the short-term Renewal for whatever term would be necessary to avoid the immediate environmental risks associated with a winter shut-in and implement a shut-in safely, which the KGC suggested would take a few months.⁷⁸ The KGC did not suggest that the shut-in be unlicensed – the KGC specifically recommended that a care and maintenance licence should be implemented for the shut-in,⁷⁹ which the Board addresses in the following section.

6.2 Consideration of Care and Maintenance Licence

In its closing arguments, the KGC stated that the Board had failed to consider alternatives to a three-year term for the Renewal.⁸⁰ With respect, the Board notes that this statement is incorrect. On the contrary, as these Reasons show, the Board has seriously considered the alternative option of renewing the Licence for a shorter term and of issuing a care and maintenance licence as proposed by the KGC.

In its public hearing presentation, Imperial acknowledged that regulatory oversight would be necessary in a care and maintenance scenario, since water use and waste management would be necessary, and there

⁷⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – CIRNAC-RLM – Closing Arguments – Feb26 25](#).

⁷⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p21;

⁷⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#); Items 21, 27, 38, and 46.

⁷⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#); Items 18, 26 and 47

⁷⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p21; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcript – Feb19 25](#), p60-63, p70-73

⁷⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p21; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcript – Feb19 25](#), p60-63.

⁸⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#).

would still be potential environmental impacts.^{81,82} The issuance of a care and maintenance licence, however, is not the matter before the Board at this time and was not the subject of this proceeding, so the Board has limited evidence specific to the option of a care and maintenance licence. The decision currently before the Board is only whether to issue the short-term Renewal, and if so, for what term.

For the Board to base its determination regarding the term of the Renewal on the potential future issuance of a care and maintenance licence with the information currently before it, would require a number of assumptions on the Board's part. The Board has, however, considered the relevant evidence in conjunction with the circumstantial facts and standard procedural considerations and, on balance, for the reasons described below, finds that it cannot conclude that a shorter term for the Renewal, followed by shut-in period with a new care and maintenance licence, serves the public interest better than maintaining the operating Licence for the full three years.

In general, there are a number of procedural and practical limitations with issuing a care and maintenance licence. Additionally, while the environmental impacts of a shut-in could be reduced or eliminated by postponing the shut-in to the summer months and issuing a care and maintenance licence, the energy supply and socioeconomic impacts would continue to constitute an emergency that would affect public health, safety, and welfare. Avoiding such an emergency is in the public interest, and while possible through issuing the short-term Renewal for the full three years, would not be fully addressed by this care and maintenance licence alternative. Each of these aspects of the Board's reasoning are detailed in full below in sections 6.2.1 through 6.2.3.

The Board notes that its decision on the term of the short-term Renewal does not preclude the possibility of Imperial applying for a care and maintenance licence should it decide to do so, for example, following further discussions with affected parties. In this case, the renewed Licence could be cancelled when a care and maintenance licence is issued.

6.2.1 *Procedural and Practical Considerations*

In its public hearing presentation, the KGC submitted that 'if an emergency licence can be put together for ongoing operations, an emergency licence can also be put together for a temporary shut-in of production.'⁸³ Equating these two processes, however, is unfounded. The Board did not develop a new licence for the short-term Renewal. In fact, due to the expedited nature of the proceeding and the concurrent EA processes, the Board was very clear throughout the proceeding that it was not proposing any changes to the existing conditions in the Licence. Developing an entirely new licence for care and maintenance is a much more complex process that could not be accomplished in such a similar timeframe.

In its public hearing presentation, Imperial summarized the challenges it identified with the option of a care and maintenance licence, particularly the time required for developing an application and the

⁸¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – Imperial Presentation – Feb18 25](#), p8.

⁸² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcript – Feb19 25](#), p87.

⁸³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcript – Feb19 25](#), p 60.

subsequent regulatory proceeding, and the resulting demands on the parties involved.⁸⁴ The Board has explored these, and other considerations identified by the Board in detail below.

To initiate a proceeding for a care and maintenance licence, Imperial would need to engage with all affected parties to develop a detailed shut-in plan and prepare a licence application for the care and maintenance application. Given the differing opinions expressed during the Board's two proceedings regarding the short-term Renewal, the Board cannot assume that this would be a straightforward process and that all affected parties would support this approach.

Once Imperial completed the necessary engagement and submitted a new application, the Board would need to conduct a regulatory proceeding before making its decision. While it was absolutely necessary to run an expedited proceeding for the short-term Renewal due to the imminent expiry of the Licence, the Board cautions that this did not entail the development of an entirely new licence, with new conditions and new management and monitoring requirements, which would be necessary for a care and maintenance licence. Running an expedited proceeding imposes limitations on the opportunities and time available for parties to provide input, and it would not likely be reasonable or appropriate for the Board to conduct an expedited proceeding for a new care and maintenance licence, or to assume that parties would agree to it, particularly given the simultaneous involvement of the same parties in the EA processes.

In the Board's experience, the development of an entirely new licence is not typically a simple matter and would require significant time, effort, and collaboration from all parties. Based on the LWB [Guide to the Water Licensing Process](#), in addition to the unknown time necessary for Imperial to engage with parties and develop the licence application, the regulatory proceeding alone could reasonably be expected to take a year and a half to conclude, assuming no delays.

The Board also notes that any compensation claims submitted in relation to such an application could significantly delay the proceeding. While the Board did not receive any compensation claims in either the short-term or 60-day renewal proceedings, the KGC did submit a notice of intent to file a compensation claim with respect to the long-term renewal.⁸⁵ While compensation claims respecting a care and maintenance licence may seem unlikely, given that there is limited evidence at this time regarding the potential impacts of a shut-in and associated care and maintenance activities, the Board cannot assume that no claims would be submitted.

Potential compensation claims aside, from engagement and development of an application through to a Board decision, the issuance of a care and maintenance licence could be expected to take up to two years. As a result, such a licence might only be in place for a year, or potentially less if the EA process concludes earlier than estimated. In the Board's view then, it is not clear that the KGC's proposed approach to the

⁸⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – Imperial Presentation – Feb18 25](#), p8; and [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#), p87-88

⁸⁵ See SLWB Online Registry for [S24L1-005 – KGC notice of intent to file claim for water compensation – Sep20 24](#).

short-term Renewal, as compared to the proposed three-year term, would result in a significant reduction in the time period during which the KGC's asserted impacts to K'ahsho Got'ine Rights would continue.

In considering what is in the public interest, the Board recognizes that involvement in four simultaneous proceedings for the same project, in addition to other proceedings that these parties may be involved in, will undoubtedly put a significant strain on the resources of all parties. While it is not for the Board to decide how parties should allocate their resources, the demands of these multiple proceedings may limit parties' ability to participate meaningfully in all proceedings. Further, this may result in scheduling conflicts that may unduly delay one or more of these proceedings.

As observed by the Board in its Reasons for Decision regarding the initiation of the short-term Renewal proceeding, aspects of these simultaneous proceedings may overlap, particularly with respect to potential environmental impacts.⁸⁶ Aside from the potential for duplication of efforts on behalf of parties, the Board does not want to influence or contradict the findings or outcomes of the EA processes, which are more comprehensive in nature than the Board's regulatory proceedings.

Finally, with the evidence at hand, the Board is uncertain whether or how a transition to a care and maintenance licence might affect the security deposit held by the Minister in accordance with the current Licence. While the Board is confident that the existing security can be maintained during the short-term Renewal, regardless of the term, the Board cannot assume that the security required would remain the same under a care and maintenance licence if the risks and liabilities on site are altered.

6.2.2 Environmental Considerations

Throughout the short-term Renewal proceeding, the KGC expressed its concerns regarding the potential environmental impacts on the health of the Mackenzie River from the continued operation of the NWO during the short-term Renewal. The KGC stated that it did not believe the current Licence conditions can address 'present-day environmental risks, including risks caused by aging infrastructure and recent changes in the Mackenzie River's water levels and flow volumes.' The KGC also disagreed with the Board's conclusion that these concerns would be better addressed through the EA process.⁸⁷

Comparatively, the KGC observed that the risks of a winter shut-in could likely be managed by a shorter term for the Renewal and the issuance of a care and maintenance licence for a shut-in that would be implemented in the summer months.⁸⁸ Imperial did not dispute this point.⁸⁹

Imperial did take issue with the KGC's position on the linkages between the NWO and downstream impacts, and the inability of the current Licence conditions to address potential impacts from ongoing

⁸⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Decision Letter and RFD – Jan10 25](#).

⁸⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#), p2; and [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#), p7.

⁸⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#), p4; and [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p22

⁸⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#), p2; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – Imperial Presentation – Feb18 25](#), p21.

operations over the period of the short-term Renewal.⁹⁰ Both parties acknowledge that these are areas of long-standing disagreement and distrust.⁹¹ In the Board's view, this highlights the value of addressing these concerns through the EA processes, which will provide more opportunities for more comprehensive discussions of these concerns, as well as a wider range of potential measures to address them, due to the Review Board's broader jurisdiction.

Although the Board does not have a care and maintenance licence application before it at this time, the Board agrees that the immediate environmental risks of a shut-in could likely be reduced or eliminated by implementing the shut-in during the summer months instead of the winter months. While care and maintenance activities at the site would not be without environmental risks and potential impacts, in general, the Board does not have the evidence to make a comparison of the relative levels of impact which might result from a care and maintenance licence as compared to the short-term Renewal.

The Board does not, however, expect either a renewed Licence or a care and maintenance licence would be in place for longer than three years, and more importantly, as explained in section 6.2.2 above, the Board considers it impractical to expect that the development of a care and maintenance licence would be possible in the short timeframe that is central to the KGC's recommendation. This is a key consideration in comparing the alternatives of continued operations and temporary shut-in in the current circumstances, and a key reason why the Board has concluded that a care and maintenance licence does not serve the public interest better than renewing the Licence for three years.

Further, it is not, in the Board's view, accurate to suggest, as the KGC argues, that its decision to renew the Licence for a period of three years entails setting aside the KGC's concerns until the EA processes have concluded. The framework set out in the current Licence and the LWBs' established public review processes provide the authority and flexibility to address and adapt to issues that arise over the life the Licence. In section 6.3, the Board describes current Licence conditions and requirements that provide an interim mechanism for addressing collaborative efforts to address the KGC's concerns about environmental impacts and monitoring.

The Board's previous conclusion that a shut-in of the NWO would constitute an emergency was not strictly based on the immediate environmental risks posed by a winter shut-in, however: the evidence before the Board also highlighted a number of potential socio-economic impacts of a shut-in.⁹² The question of whether these potential impacts would be addressed by a summer shut-in and a care and maintenance licence is discussed in the following section.

⁹⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial to SLWB Response to Comments – Feb5 25](#), p2-3; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – Imperial Presentation – Feb18 25](#), p10.

⁹¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#), p2; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p14; for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#), p3; for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#), item 31.

⁹² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Preliminary Screening and RFD – Jan10 25](#); for [S13L1-007 – Board-Initiated Renewal Proceeding – Decision Letter and RFD – Jan10 25](#).

6.2.3 Socioeconomic Considerations

While the Board cannot address socioeconomic concerns through licence conditions, these concerns are relevant to the question of what term best serves the public interest and avoids an emergency, and the consideration of a care and maintenance licence, as described above. As outlined in section 58 of the MVRMA, the SLWB *'shall regulate the use of land and waters and the deposit of waste so as to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit for residents of their respective management areas and of the Mackenzie Valley and for all Canadians.'*⁹³

As noted above, there were several potential socioeconomic impacts identified in association with a shut-in of the NWO. These impacts were first considered by the Board in making its determinations on whether to initiate the short-term Renewal proceeding in the public interest to prevent an emergency and whether the short-term Renewal required a preliminary screening.⁹⁴ These impacts include:

- Regional energy shortages and increased energy costs
- Local and regional economic impacts, including impacts on business and employment income, community initiatives and partnerships, population size, supply chains, and overall cost of living
- Impacts on residents' quality of life, health, and wellbeing due to layoffs and economic instability

Imperial characterized these impacts as 'immediate and severe,'⁹⁵ later clarifying that they were 'medium term' in the sense that they would persist and were not specific to winter shut-in activities.⁹⁶ The significance of these impacts was supported by a detailed analysis submitted by GNWT-ECC (on behalf of various GNWT departments) and numerous letters from local businesses and residents.⁹⁷ While it did not disagree with the nature of these impacts, the KGC questioned Imperial's stated severity of these impacts, reasoning throughout the proceeding that these impacts are either overstated or could be mitigated, as outlined below.

The KGC described predicted energy shortages as an immediate concern that would be mitigated by the planned installation of an additional generator by the Northwest Territories Power Corporation (NTPC) in the coming spring.⁹⁸ It is not clear to the Board that the installation of an additional generator entirely alleviates this impact, since this mitigation comes at a cost that will be borne by residents and businesses. Citing NTPC's submission to the Board, at the public hearing and in its closing arguments, Imperial notes

⁹³ See Section 58 of [MVRMA](#).

⁹⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal Proceeding – Decision Letter and RFD – Jan10 25](#).p8-9; for [S13L1-007 – Board-Initiated Renewal Proceeding - Preliminary Screening and RFD – Jan10 25](#)

⁹⁵ See SLWB Online Registry for [S13L1-007 – Imperial to SLWB Letter Re Upcoming Expiry Date - Dec9 24](#).p3.

⁹⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#).p8-10.

⁹⁷ See the SLWB Online Registry for [Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31 24.pdf](#)

⁹⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#). p23; and [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcript – Feb19 25](#). p63.

that the reliance on the additional generator will increase generation costs and electricity rates in the region.⁹⁹ Further, Imperial noted that this reliance on diesel rather than natural gas from the NWO may be problematic due to diesel shortages in the community.¹⁰⁰ At the public hearing, Mayor Frank Pope also identified this as a costly shift for his community of Norman Wells.¹⁰¹

With respect to the identified economic impacts, the KGC submitted that they are overstated, short-term, and limited to a few businesses in Norman Wells,¹⁰² and are outweighed by the potential adverse impacts of continued operations on K'ahsho Got'ine Rights.¹⁰³ At the public hearing, the KGC argued that the economy is already in transition anyways, because the NWO is expected to shift into the closure and reclamation phase in the next five to ten years.¹⁰⁴

Imperial responded to these statements by indicating its commitment to collaborative energy supply and economic transition planning over the three-year Renewal period.¹⁰⁵ During continued operations, Imperial would be continuing to support local business and employment,¹⁰⁶ noting that it had not been reducing employment, as asserted by the KGC.¹⁰⁷ Imperial supported these statements with quantitative values, noting that it spent *'greater than 40 percent of our total goods and services (...) with nearly twenty (20) Sahtú affiliated businesses in 2024,'* and that *'almost 60 percent of our total goods and services spend is with Sahtú in northern businesses.'*¹⁰⁸ Imperial also pointed to the numerous letters of support submitted during the Board's process for initiating the proceeding, which highlighted concerns from local businesses and residents about economic instability during a shut-in.¹⁰⁹ Imperial reiterated these points in its closing argument.¹¹⁰

At the public hearing, the Board also heard from the Mayor of Norman Wells, Frank Pope, and the MLA for the Sahtú District, Daniel McNeely, in support of the three-year renewal. Mayor Pope spoke to significant impacts for Norman Wells on the tax base that funds community services and infrastructure, employment, the business community, the availability of skilled trades workers, and the already high cost

⁹⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#). p16; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p93.

¹⁰⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#), p16; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p93.

¹⁰¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p101

¹⁰² See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#). p4-5; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#). p24; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p64.

¹⁰³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#). p4-5; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#). p24; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p60, 67-68, 70, 74, 115.

¹⁰⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#). p24; and [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p64-65, 85, 115

¹⁰⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p91-92.

¹⁰⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p91-93, and 95-96.

¹⁰⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p95-96.

¹⁰⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p95.

¹⁰⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#). p94-95.

¹¹⁰ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#). p15-17.

of living.¹¹¹ While the Mayor spoke specifically about Norman Wells, these statements are consistent with the broader detailed analysis submitted earlier by the GNWT.¹¹²

The Mayor acknowledged that transition planning has already been initiated, but both the Mayor and the GNWT cautioned that more time is needed, and the community and region are not prepared for the sudden economic transition associated with a shut-in of the NWO.¹¹³ The Board also notes that Imperial has committed to a self-referral to EA for closure and reclamation planning for the NWO,¹¹⁴ and while this has not yet been initiated, the Board anticipates that this process could encompass economic transitions associated with closure.

There are uncertainties in both the predicted socioeconomic impacts and potential mitigations, but the evidence does not suggest to the Board that these impacts are grossly overstated. Regardless of the uncertainties, these impacts are still likely to cause significant and sudden hardships that the local communities and the region are unprepared for. Economic instability, higher costs of living, job losses and reductions in community services can reasonably be expected to have impacts on the quality of life, and the health and well-being of residents in Norman Wells and the region. The need for an economic transition plan to address these changes regardless of a shut-in was recognized, but completing the development of a transition plan requires more time.

Based on its characterization of the significance of the potential impacts of a shut-in, the KGC asserted that the term of the Renewal should only be long enough to prevent immediate environmental and energy supply risks.¹¹⁵ While the Board agrees that the environmental impacts could be reduced or eliminated by postponing the shut-in to the summer months and issuing a care and maintenance licence, the Board concludes that the energy supply and socioeconomic impacts are significant and would not be fully addressed by this alternative – they would continue to constitute an emergency that would affect public health, safety, and welfare. Avoiding such an emergency is in the public interest and is possible through issuing the short-term Renewal for the full three years, but the Board does not believe this decision inherently comes at the expense of responding to the KGC's concerns. As noted earlier, section 6.3 below describes mechanisms in the current Licence for progressing collaborative efforts to address the KGC's concerns about environmental impacts and monitoring, while the EA processes will provide opportunities to consider the KGC's concerns in full.

¹¹¹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#), p101-103

¹¹² See SLWB Online Registry for [Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31 24.pdf](#), GNWT letter, p41-44/87.

¹¹³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#), p102-104; and [Board-Initiated Renewal Proceeding - Reviewer Comments and Proponent Responses – Dec31 24.pdf](#), GNWT letter, p 5.

¹¹⁴ See the SLWB Online Public Registry for S13L-007 – [Imperial to SLWB Letter Re Upcoming Expiry Date and Continuation of EA2425-02– Dec9 24](#), p 6-7.

¹¹⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#), p1-5; for [S13L1-007 – Board-Initiated Renewal – Public Hearing – KGC Presentation – Feb17 25](#), p21; for [S13L1-007 – Board-Initiated Renewal – Public Hearing Transcription – Feb19 25](#), p59-60; for [S13L1-007 – Board-Initiated Renewal – KGC Closing Arguments – Feb26 25](#), p1-2 and 9-10.

6.3 Consideration of Concerns Regarding Environmental Impacts and Monitoring of Ongoing Operations

The Board acknowledges the KGC's concerns about adverse effects on the environment in and around the Mackenzie River as outlined in their response letter¹¹⁶ and closing arguments.¹¹⁷ Many of these concerns are historical and reflect long held views from the K'ahsho Got'ine. The KGC has expressed deep concerns about the ability to drink water, fish, hunt, and harvest along the Mackenzie River, and about adverse effects on the fish and wildlife populations, which they rely on for sustenance and spiritual purposes.

Given the short-term nature of this Renewal, although the KGC does not agree, the Board maintains that the Review Board's EA processes, and the SLWB's subsequent regulatory processes, for the long-term renewal and the Line 490 Replacement Project are better suited for considering the long-term environmental impacts of the NWO. The EA processes will offer opportunities for extensive involvement and consultation of affected parties, including the KGC and its membership. Additionally, the scope of the EAs is broader than that of a licensing proceeding and will address potential impacts on the exercise of Land Claim, Indigenous, and Aboriginal rights. Further, the Review Board's jurisdiction is broad and inclusive of concerns outside of the LWBs' scope.

The existing Licence, S13L1-007, was developed between August 2013 and December 2014 to mitigate and monitor the impacts associated with the NWO, and the conditions and requirements within it can be enforced while the Licence remains in effect. The Board notes that the KGC does not believe that the existing Licence conditions are effective for managing potential impacts and responding to current concerns. While a detailed review of the Licence will take place through the long-term renewal proceeding following the EA processes, the Board nonetheless respectfully disagrees that the current Licence is inadequate for the period of the short-term Renewal.

The Board emphasizes that the conditions in the Licence to regulate waste management are for the purpose of protecting the receiving environment, and there are limitations on the sources and volumes of water the Licensee can use. Maintaining the existing Licence ensures that existing mitigations, monitoring, and reporting required by the Licence will continue during this short-term Renewal. The Board also notes that flexibility and adaptability are built into the Licence framework through management and monitoring plan requirements, all of which are reviewed regularly and revised as necessary.

In particular, the Licence includes requirements for several management plans, which must be reviewed annually. If there are changes to a plan, either proposed by Imperial or identified by the Board, then the revised plan is circulated for public review before being considered by the Board. As outlined in section 5.9, the plans associated with this Licence include the Groundwater Management Plan, Waste Management Plan, Flowline Integrity Management Plan, Spill Contingency Plan, Emergency Response Plan, Environmental Protection Plan, and Closure and Reclamation Plan. Some of these plans incorporate monitoring components, and the Licence also includes two specific monitoring programs: the Surveillance

¹¹⁶ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC to SLWB – Review Comments – Jan28 25](#).

¹¹⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC Closing Arguments – Feb26 25](#).

Network Program set out in the Licence itself, and the requirement to submit an Aquatic Effects Monitoring Plan (AEMP) for Board approval.

In its closing arguments, Imperial expressed its commitment to working within this Licence framework to ‘continue and improve community involvement in monitoring, reporting and reclamation which are fundamental to the SLWB’s mandate and necessary to address environmental concerns raised by the communities, including the KGC, over the term of the short-term Renewal.’ Imperial linked this commitment to several monitoring, reporting, and closure planning requirements within the Licence.¹¹⁸

The Board has identified some key opportunities within the current Licence framework where Parties, including the KGC, can work collaboratively during the short-term Renewal period to address concerns.

Aquatic Effects Monitoring Program (AEMP)

The AEMP is a key monitoring program for the NWO. Regarding the AEMP, the KGC has outlined in their closing arguments that *‘Imperial often sites its AEMP as an example of a study completed in response to Indigenous concerns and which integrates Indigenous Knowledge. However, in the decade since the SLWB first required Imperial to conduct an Aquatic Effects Monitoring Program as a condition of Water Licence S13L1-007, the SLWB has not granted final approval for the program due to a variety of concerns, including the failure of the program to adequately respond to community feedback.’*¹¹⁹

The Board is keenly aware that final approval for the AEMP is not in place, and since early 2014, there has been ongoing engagement for the AEMP with various parties. In February 2014, the Board initiated an AEMP Working Group and issued a Terms of Reference to all stakeholders, which outlined guidelines, actions, and roles and responsibilities. There were Working Group meetings in November 2014 and September 2015, with interim approvals of the AEMP Versions 1 through 3; three workshops held in Norman Wells, NT; and a third-party technical review completed prior to submission of AEMP Version 4.

In November 2022, and July 2023, a new community-led Working Group called “Healthy Fish Healthy Water” was formed under a new Terms of Reference, and two, 2-day workshops were held in Fort Good Hope to review the AEMP Version 4.0, and to develop a Study Design for the Large Fish Study required by the AEMP. In June 2023, the Board reviewed and did not approve Version 4, and its Reasons for Decision outline the direction Imperial is required to take for Version 5.¹²⁰ Although the AEMP is not approved yet, monitoring and reporting has been occurring since 2019 under the AEMP program. Further development of the AEMP within the current Licence framework continues to be an opportunity for the Board, Imperial, and interested parties, including the KGC, to work towards finalizing this monitoring program.

¹¹⁸ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#), p12.

¹¹⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC Closing Arguments – Feb26 25](#).

¹²⁰ See SLWB Online Registry for [S13L1-007 – Imperial AEMP version 4 – RFD – Jun12 23](#).

Closure and Reclamation Plan (CRP)

The Board has also been working with Imperial and interested parties towards a final Closure and Reclamation Plan (CRP), which is required under the Licence. In February 2014, the Board initiated a Closure and Reclamation Working Group with stakeholders and issued a Terms of Reference. There were four Working Group meetings between November 2014 and April 2018 to develop the CRP, and an Interim CRP Version 1.0 was approved by the Board in 2017.¹²¹ This Working Group progressed on closure objectives, studies on the fish habitat of the artificial islands, and how to improve upon meaningful engagement related to the CRP. The Working Group also worked on a Licence amendment application for the development of a long-term waste management facility, which was ultimately referred to EA. The waste management facility project was eventually removed from the CRP, and it is expected that Imperial will self-refer the NWO closure activities as a whole to EA before March 2025, as indicated in their letter to SSI.¹²²

Annual reporting on CRP activities is also a requirement of the current Licence. The CRP Annual Report summarizes all of the environmental closure and reclamation activities that occur at this site each year, including results of multiple monitoring programs for site-wide surface water and groundwater monitoring; summaries of Phase 2 environmental assessments, including soil investigations; reports on the groundwater remediation system activities, vegetation and reclamation activities, any remediation activities associated with the Waste Management Facility and the Biocells; and planned future activities. The ongoing development of the CRP and the required annual reporting are a mechanism for the Board, Imperial, and interested parties, including the KGC, to continue engagement on closure planning.

Spill Contingency Plan (SCP)

During the proceeding, the KGC expressed concerns related to spills: *‘the risk of spill or contamination is significant given the age of the facilities and the impact of climate change on the flow and morphology of the Mackenzie River. These changes, in part, contributed to the breach of Line 490 in July 2022.’*¹²³ Imperial responded that, following the Line 490 incident, *‘enhancements were made to reduce the risk of a similar event in the future, all under CER and SLWB regulatory oversight...’*¹²⁴

Following the Line 490 spill in July 2022, there were gaps identified in the notification and reporting structure, and the SCP, along with the NWO Emergency Response Plan, and the Mackenzie River Tactical Response Plan were updated.¹²⁵ These Plans are for the purpose of protecting the receiving environment and must be followed in the event of a spill. Like other management plans required under the Licence,

¹²¹ See SLWB Online Registry for [S13L1-007 – ICRP Issuance Letter – Jan5 17](#).

¹²² See SLWB Online Registry for [S13L1-007 – Imperial to SSI Re Self Refer to Closure EA – Dec19 24](#).

¹²³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#).p3.

¹²⁴ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#). Item 35.

¹²⁵ See SLWB Online Registry for S13L1-007 – Section: [Spill-Contingency-Emergency Response Management Plans](#)

the SCP is reviewed annually and updated as required, providing the flexibility to adapt based on evolving concerns and lessons learned.

6.4 Other Legal and Procedural Matters

6.4.1 K’ahsho Got’ine Committee Concerns Regarding Consultation, UNDRIP, and FPIC

(a) Introduction

In its Closing Argument dated February 26, 2025, the KGC submits:

“The SLWB’s review process is inadequate to discharge the Crown’s duty to consult. A decision to renew the Licence for three additional years would violate the Crown’s constitutional obligation to K’ahsho Got’ine.”

With respect, the Board disagrees that the Renewal proceeding was inadequate to fulfill the Crown’s duty to consult. For the reasons outlined below, the Board finds that the process it implemented for the Renewal has satisfied the Crown’s duty to consult.

(b) Duty to Consult

The duty to consult aims to protect Aboriginal and Treaty Rights, while advancing reconciliation between Indigenous peoples and the Crown.¹²⁶ It is grounded in the honour of the Crown and is derived from section 35 of the *Constitution Act, 1982*.¹²⁷ The duty to consult arises “when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it”.¹²⁸

The Board agrees with the KGC that the Crown owes the K’ahsho Got’ine a duty to consult regarding the Licence Renewal decision.¹²⁹ The key question is whether the Board’s process satisfied the Crown’s duty to consult in this context.

Once triggered, the content of the duty varies, and each case must be assessed individually.¹³⁰ At the outset, it is important to note that courts have consistently affirmed that legislatures may empower regulatory bodies to play a role in fulfilling the Crown’s duty to consult.¹³¹ In *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40 (*Clyde River*) the Supreme Court of Canada (SCC) confirmed that

¹²⁶ *Clyde River (Hamlet) v Petroleum Geo-Services*, 2017 SCC 40, at para 19 [*Clyde River*] citing *Rio Tinto Alcan Inc. v Carrier Sekani Tribal Council*, 2010 SCC 43 at para 34 [*Rio Tinto*].

¹²⁷ *Rio Tinto*, *supra* note 126 at para 32; *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319 [*Kebaowek*].

¹²⁸ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 at para. 35 [*Haida Nation*].

¹²⁹ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – K’ahsho Got’ine Committee – Closing Arguments – Feb26 27](#).p6 .

¹³⁰ *Clyde River*, *supra* note 126 at para 20.

¹³¹ *Rio Tinto*, *supra* note 126 at para 56; *Haida Nation*, *supra* note 128 at para 51.

the Crown may rely, in whole or in part, on steps undertaken by a regulatory agency to fulfil its duty to consult.¹³²

Another key preliminary point is that the duty to consult is not triggered by historical impacts or intended as a vehicle to address historical grievances.¹³³ In *Rio Tinto Alcan v Carrier Sekani Tribal Council*, 2010 SCC 43 (*Rio Tinto*), the SCC explained at paragraph 53 that the Crown is required to consult on:

“[A]dverse impacts flowing from the specific Crown proposal at issue – not [on] larger adverse impacts of the project of which it is a part. The subject of the consultation is the impact on the claimed rights of the *current* decision under consideration.”
[emphasis in original].

In this case, the Crown’s duty to consult required engagement on the appropriate duration of the proposed emergency short-term Renewal of the existing water Licence. Related applications for a long-term Licence renewal and the Line 490 replacement project are currently undergoing EAs, and consultation obligations will be satisfied in each of these cases once the EA process is completed.

(c) **Content of the Duty to Consult**

As noted above, the content of the duty to consult varies with the circumstances. As the SCC observed in *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, 2005 SCC 69 (*Mikisew Cree*) at paragraph 63:

“[T]he determination of the content of the duty to consult will, as *Haida* suggests, be governed by context.”

In determining the content of the duty to consult, the salient question is “what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and the Aboriginal Peoples with respect to the interests at stake”.¹³⁴

Once triggered, the depth of consultation falls along a spectrum. At one end are cases where the claim to title is weak, the Aboriginal right is limited, or the potential infringement is minor.¹³⁵ In such cases, the Crown’s obligations may be limited to providing notice, disclosing information, and discussing any concerns raised in response.¹³⁶

Conversely, at the other end of the spectrum are cases where there is a strong *prima facie* claim, the right and potential infringement are of high significance to Indigenous peoples, and the risk of non-compensable harm is substantial.¹³⁷ In these instances, deep consultation may be required, aimed at

¹³² Clyde River, *supra* note 126 at para 21; see also *Chippewas of the Thames First Nation v Enbridge Pipelines Inc.*, 2017 SCC 41 [Chippewas].

¹³³ *Chippewas*, *supra* note 132 at para 41.

¹³⁴ *Haida Nation*, *supra* note 128 at para 121.

¹³⁵ *Haida Nation*, *supra* note 128 at para 43.

¹³⁶ *Haida Nation*, *supra* note 128 at para 43.

¹³⁷ *Haida Nation*, *supra* note 128 at para 44.

finding a satisfactory interim solution.¹³⁸ This could include opportunities to make submissions, formal participation in decision-making, and written reasons demonstrating how Indigenous concerns were considered and their impact on the decision.¹³⁹ However, the specific requirements depend on the circumstances, and this list is neither exhaustive nor mandatory in every case.¹⁴⁰

It is important to emphasize that, in this case, the Crown's duty to consult required engagement on the appropriate duration of the emergency short-term Renewal of the existing Licence. The short-term Renewal does not alter any conditions of the Licence. Without evidence of new or additional impacts on rights protected under section 35 of the *Constitution Act, 1982*, renewing a regulatory licence would only trigger consultation at the lower end of the spectrum.¹⁴¹

In *Fond du Lac Denesuline First Nation v Canada (Attorney General)*, 2012 FCA 73, the Fond du Lac Denesuline First Nation (FDFN) argued that the Canadian Nuclear Safety Commission (CNSC) erred in renewing a uranium and mill operating licence to AREVA Resources Canada Inc. (AREVA) without first consulting the FDFN. They claimed this renewal, which extended the original licence by eight years, violated their constitutional right to consultation under section 35 of the *Constitution Act, 1982*.¹⁴²

The Federal Court of Appeal (FCA) rejected this argument, holding that the FDFN failed to establish that a duty to consult arose. The FCA emphasized that the FDFN had not identified any potential harm to an Aboriginal or treaty right resulting from the licence renewal.¹⁴³ At paragraph 10, the FCA stated:

"It is important to note that, at the time of the licence renewal...AREVA had been conducting mining operations at that site under a licence granted ten years earlier and had complied with its terms, including those relating to the protection of the environment...Neither the licence renewal, ... expanded the scope of AREVA's permitted operations. It is mere speculation for [FDFN] to allege that the continuation of mining under the renewed licence for another eight years, with a review after four, might so contaminate the wildlife to harm the Treaty Rights to hunt and fish..."

This case suggests that, in certain circumstances, the renewal of a licence – absent new or additional impacts on Aboriginal or Treaty Rights – does not engage the duty to consult. The KGC has provided very little new evidence of impacts on their section 35 rights resulting from the short-term Renewal. The KGC has expressed concerns about the NWO's effects on the health of the Mackenzie River, including water quality, fish health, animal health, and human health, noting that these concerns have caused the K'ahsho Got'ine to reduce the exercise of their Rights. The Board acknowledges these submissions and the existing Licence conditions that monitor and mitigate impacts associated with the NWO, but notes that absent

¹³⁸ *Haida Nation*, *supra* note 128 at para 44.

¹³⁹ *Haida Nation*, *supra* note 128 at para 44.

¹⁴⁰ *Haida Nation*, *supra* note 128 at para 44.

¹⁴¹ *Rio Tinto*, *supra* note 126 at para 45-49; *Fond du Lac Denesuline First Nation v Canada (Attorney General)*, 2012 FCA 73 at paras 10 and 12 [FDFN].

¹⁴² FDFN, *supra* note 141 at para 3.

¹⁴³ FDFN, *supra* note 141 at para 8.

new evidence, concerns based on historical impacts are insufficient to trigger consultation at the high end of the Haida spectrum for the short-term Renewal.

Regardless of the depth of consultation required in this case, the Board has engaged in deep consultation with the KGC. As noted above, indicators of deep consultation include:

- the opportunity to make submissions for consideration;
- formal participation in the decision-making process; and
- provision of written reasons to show the Aboriginal concerns were considered and to reveal the impact they had on the decision.

As outlined below, over the course of the short-term Renewal proceeding, the KGC was provided with:

- (a) notice of Imperial's Extension request;
- (b) the opportunity to provide input on whether the short-term Renewal was necessary to avoid an emergency situation;
- (c) the opportunity to review and provide comments on the proposed term of the short-term Renewal;
- (d) participatory rights in a pre-hearing conference;
- (e) full participatory rights in the Public Hearing, including the right to file written evidence, provide oral evidence, provide argument during the evidentiary portion of the Hearing, cross examine Imperial in respect of the Renewal, and file written closing argument; and
- (f) extensions to timelines set out in the proceeding.

Accordingly, the KGC was provided with a deep level of consultation, and the Crown's duty to consult was met.

The KGC argues that the Board failed to discharge this duty, citing a lack of consideration for alternatives to the three-year renewal, insufficient engagement on the term length, inadequate timelines, and a lack of capacity funding.

However, throughout the proceeding, the Board considered alternatives to the three-year renewal term. As noted in section 6.1 above, in both its initial request for public input on whether to initiate a renewal proceeding, and through the short-term Renewal proceeding, the Board invited reviewers, including the KGC, to provide feedback on the proposed three-year term. The Board received written submissions from several reviewers, and further evidence through the Public Hearing process, and carefully considered all of the evidence before determining that a three-year term was appropriate for the short-term Licence Renewal.

As demonstrated above, the KGC had meaningful opportunity, through both written submissions and the oral hearing process, to present its views on the appropriate term for the short-term Renewal and have them considered.

Lastly, funding can be an important aspect of consultation, but it is not required in every case. There is authority recognizing that funding may be relevant in assessing whether consultation has been adequate.¹⁴⁴ However, as noted in *Saugeen First Nation v Ontario (Minister of Natural Resources and Forestry)*, 2017 ONSC 3456:

“Reasonable efforts should be made, on both sides, to avoid funding brinksmanship. Ultimately, the decision on funding is the Crown’s, as part of its design and implementation of a consultation process, and its decisions on funding issues will be reviewed on a standard of reasonableness.”

Similarly, Jack Woodward in *Aboriginal Law in Canada* (Toronto: Carswell, 2023) at 5:55, “Funding for consultation”, citing *Moulton Contracting Ltd v British Columbia*, 2013 BCSC 2348 states:

“There is no general right to consultation funding, even where an Aboriginal group demonstrably lacks adequate capacity to consult.”

Rather, the presence or lack of participant funding is just one of many factors in determining whether the duty to consult has been met. Moreover, the Board does not have the authority to provide participant funding for regulatory proceedings. As stated on page 26 of the LWB [Guide to the Water Licensing Process](#):

“The [Land and Water Boards] do not administer participant funding for regulatory proceedings. Limited funding may be available through CIRNAC for major project proceedings – parties seeking are encouraged to contact CIRNAC directly...”

The Board did everything within its power to provide the KGC with a robust consultation process. Therefore, after considering the relevant indicia of consultation, the Board determined that the KGC received deep consultation with respect to the Licence renewal.

Additionally, as required by *Mikisew Cree*, the Board considered the following contextual factors in determining the content of the duty to consult and its conclusion that the duty to consult was discharged:

- (a) the consultation process set out in the MVRMA;
- (b) the effect of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and free, prior, and informed consent (FPIC) on the content of the duty to consult;
- (c) the fact the decision was made in an emergency situation; and
- (d) the interests of all members of the public.

¹⁴⁴ See *Platinex Inc v Kitchenuhmaykoosib Inninuwug First Nation*, 2007 OJ No 2214; see also *Sipekne’katik v Alton Natural Gas Storage LP*, 2020 NSSC 34.

Each of these points is dealt with further below.

(d) **The Consultation Process set out in the MVRMA**

As correctly identified by Imperial and the KGC, the Crown relies on the Board processes to fulfil the duty to consult.¹⁴⁵ Furthermore, the MVRMA codifies how consultation is to be carried out in matters arising under the MVRMA.¹⁴⁶ Section 3 of the MVRMA provides:

3. Wherever in this Act reference is made, in relation to any matter, to a power or duty to consult, that power or duty shall be exercised

(a) by providing, to the party to be consulted,

(i) notice of the matter in sufficient form and detail to allow the party to prepare its views on the matter,

(ii) a reasonable period for the party to prepare those views, and

(iii) an opportunity to present those views to the party having the power or duty to consult; and

(b) by considering, fully and impartially, any views so presented.

The definition of “consultation” in the Sahtú Dene and Métis Comprehensive Land Claim Agreement (Land Claim Agreement) is nearly identical. The consultation process outlined in section 3 of the MVRMA is robust, rooted in the legislative requirements of the Land Claim Agreement, and is reflected in the LWB [Engagement and Consultation Policy](#).¹⁴⁷ In particular, section 2.2 of the *Engagement and Consultation Policy* sets out the procedural elements that form part of the Board’s consultation:

- (a) distributing applications for review and comment;
- (b) conducting preliminary screenings;
- (c) conducting public hearings;¹⁴⁸
- (d) distributing drafts of the water licence for review;
- (e) issuing and making available written reasons for its decision;
- (f) managing permits and licences after they have been issued (including public reviews of reports and management plan updates); and

¹⁴⁵ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – Imperial – Closing Arguments – Mar4 25](#). item54; See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#). p7.

¹⁴⁶ *Gwich'in Tribal Council v KBL Environmental Ltd et al*, 2024 NWTSC 37 [Gwich'in].

¹⁴⁷ See SLWB Online Registry - [Land and Water Boards of the Mackenzie Valley Engagement and Consultation Policy](#), Jan-2023.

¹⁴⁸ As above at p. 17-18, the SLWB determined a screening was not required for the Licence renewal relying on s. 119(b) of the MVRMA.

- (g) developing guidelines and policies.

In *Gwich'in Tribal Council v KBL Environmental Ltd et al*, 2024 NWTSC 37 (*Gwich'in*) the Northwest Territories Supreme Court noted that the regional panels of the Mackenzie Valley Land and Water Board are guided by the *Engagement and Consultation Policy*, which applies when making decisions. Although *Gwich'in* dealt with a decision of the Gwich'in Land and Water Board (the GLWB), the Court notes that the GLWB followed their established processes, which included the process under section 3 of the MVRMA and the implementation of the *Engagement and Consultation Policy*, resulting in a robust consultation process.¹⁴⁹

In the context of the emergency as determined by the Board with involvement by the KGC, the Board followed their established processes in section 3 of the MVRMA and the *Engagement and Consultation Policy*. The Board provided the Sahtú Dene and Métis communities, including those represented by the KGC, with the following meaningful opportunities for participation:

- (a) the Imperial Extension Request was sent to various parties, including representatives of the KGC, on December 9, 2024;
- (b) a letter from the Board, distributing it to the Imperial Distribution List for review by email on December 13, 2024, and through the ORS on December 17, 2024, was seeking initial input from interested parties including the KGC on whether the short-term Renewal was necessary to avoid an emergency situation and was in the public interest;
- (c) on January 9, 2025, the Board met and, based on the evidence from the public review, decided it was in the public interest to initiate an expedited short-term renewal proceeding for the Licence; the Board also determined on this day that a preliminary screening determination was not required for a short-term Renewal;
- (d) on January 13, 2025 the Board distributed on the ORS the Imperial Extension Request (December 9, 2024 letter), the draft work plan, and sought input from various parties including the KGC; comments on the work plan were requested by January 21, 2025;
- (e) notice of the short-term Renewal Proceeding was advertised in *News North NWT* on January 13, 2025 as well as on the SLWB's Facebook page; the Renewal Proceeding for the Public Hearing was also advertised on the Land and Water Board's webpage on February 17, 2025;
- (f) on January 27, 2025, the review comment period was extended to January 28, 2025, in response to a request from the KGC; Imperial responded to the Parties' comments and recommendations and submitted a response letter to the Board on February 5, 2025;
- (g) various parties including the KGC participated in a pre-hearing conference held by the Board on February 10, 2025;

¹⁴⁹ *Gwich'in*, *supra* note 146 at para 44.

- (h) the KGC was the only party that requested an oral public hearing in respect of the Renewal; the Public Hearing was held virtually on February 19, 2025;
- (i) on February 26, 2025, the KGC and CIRNAC submitted written closing arguments to the Board, and Imperial submitted closing arguments on March 4, 2025;
- (j) the KGC was provided full participatory rights in the Public Hearing process including a right to file written evidence, provide oral evidence, provide oral argument during the evidentiary portion of the Public Hearing, cross examine Imperial in respect of the Renewal and to file written closing argument; and
- (k) The Board received and granted requests for extensions to timelines set out in the work plan.

It is important to note that the procedural steps above, which constitute the express consultation requirement of the MVRMA, are part of the legislative framework that implements the K'ahsho Got'ine's participants' established rights under the Land Claim Agreement, and a product of the Land Claim's modern treaty process.

Additionally, following the consultation process under the MVRMA seeks to fulfil the terms of the Land Claim Agreement, and as noted by the SCC: "...[R]econciliation is found in the respectful fulfilment of a modern treaty's terms."¹⁵⁰

The Board's consultation process has given the KGC sufficient notice of the proposed three-year term and the opportunity to express its views on whether this term, or an alternative, would be more appropriate. The KGC provided its views which the Board carefully considered. Accordingly, the Board has conducted thorough consultation with the KGC and other affected parties, fulfilling the Crown's duty to consult on the short-term Renewal.

(e) **UNDRIP & FPIC**

The Board has carefully considered the impact of UNDRIP and FPIC on the duty to consult framework. Both Imperial and the KGC made extensive submissions on this issue.

UNDRIP, adopted by the United Nations in 2007, sets out the "minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world."¹⁵¹ Canada and the Northwest Territories have formally endorsed UNDRIP and have enacted legislation affirming its application to Canadian and territorial laws.¹⁵²

Recently, the Federal Court of Canada in *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 (*Kebaowek*) recognized UNDRIP as a contextual factor that informs the scope and content of the duty

¹⁵⁰ First Nation of Nacho Nyak Dun v Yukon, 2017 SCC 58 at para 38 [Nacho Nyak Dun].

¹⁵¹ United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGAOR, 61st Sess, Supp No 49, Vol III, UN Doc A/61/49 [UNDRIP].

¹⁵² United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14, s. 5 [UN Declaration]; and United Nations Declaration on the Rights of Indigenous Peoples Implementation Act, SNWT 2023, c 36, section 6(1) [Implementation Act].

to consult and accommodate.¹⁵³ The Court further noted UNDRIP can enhance the obligation to consult in certain circumstances.¹⁵⁴

Nevertheless, the Federal Court notes that the FPIC standard does not grant a veto or a right to a particular outcome.¹⁵⁵ Instead, it guarantees a robust consultation process.¹⁵⁶

While the KGC does not identify any particular UNDRIP Article as being applicable to the Board's consultation on the short-term Renewal, the KGC submits that FPIC requires significant, robust consultation processes tailored to consider the laws, knowledge, and practices of the affected Indigenous Nation and that the process must be directed toward mutual agreement.¹⁵⁷

Together, the Land Claim Agreement and the MVRMA establish a co-management framework, which is the responsibility of the Board, for land and water management within the Sahtú Settlement Area. This co-management framework provides the Sahtú Dene and Métis with the right to participate directly in decisions regarding the use, management, and conservation of land and water, which helps achieve significant consultation.¹⁵⁸

The Board notes the opportunity presented by the ongoing development and implementation of the Aquatic Effects Monitoring Program (AEMP). As noted above in section 6.3, Imperial is working towards finalizing this monitoring program in collaboration with the Board, and other interested parties, including the KGC, following the guidance given after review of AEMP Version 4.0. In the Board's opinion, this framework offers the most immediate opportunity to integrate Indigenous knowledge and direct involvement of KGC members in planning for and conducting monitoring of the health of the Mackenzie River.

In addressing a decision of the Sahtú Renewable Resources Board (SRRB), a similar co-management tribunal created by the same land claim, the Northwest Territories Court of Appeal in *Northwest Territories (Minister of Environment and Natural Resources) v Colville Lake Renewable Resources Council*, 2025 NWTCA 1 (*Colville Lake*) emphasized that the Land Claim Agreement is "intended to enable Dene and Métis of Sahtú to live alongside Crown governments in a positive, long-term relationship,"¹⁵⁹ and further stated "[c]o-management is central to the [Land Claim Agreement]." Importantly, the Court noted that the SRRB decision "accords with the aspirations and objectives expressed in UNDRIP and the new legislation affirming its application in the Northwest Territories".

¹⁵³ *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 [Kebaowek] at para 129.

¹⁵⁴ *Kebaowek*, *supra* note 16 at paras 124-125.

¹⁵⁵ *Kebaowek*, *supra* note 16 at para 131.

¹⁵⁶ *Kebaowek*, *supra* note 16 at para 131.

¹⁵⁷ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26_25](#), p5 citing *Kebaowek* at para 183.

¹⁵⁸ *Northwest Territories (Minister of Environment and Natural Resources) v. Colville Lake Renewable Resources Council*, 2025 NWTCA 1 [*Colville Lake*] at para 4; Sahtú Dene and Métis Comprehensive Land Claim Agreement, ss. 1.1.1 (g)-(h).

¹⁵⁹ *Colville Lake*, *supra* note 26 at para 53.

Albeit a different board, the same principles apply here. The co-management system implemented by the MVRMA and the Land Claim Agreement align with the minimum standards articulated in UNDRIP, the *UN Declaration Act*, and the *Implementation Act*.

As outlined in section 6.4.1 of these reasons, the KGC participated in a comprehensive consultation process that aligned with UNDRIP principles. Accordingly, the process followed by the Board was consistent with the requirements of FPIC and UNDRIP, as contextual factors informing the Crown's duty to consult on the short-term Renewal.

(f) **Emergency Decision & Public Interest**

As noted above, the Board proposed to renew the existing Licence for a term of three years without altering any conditions or aspects of the Licence. Additionally, the Board determined that the short-term Renewal must be considered on an expedited basis to prevent a potential emergency shut-in of the NWO with no licence in place. If not avoided, such a shutdown could result in significant impacts on the participants in the Land Claim Agreement and pose serious and substantial risks to the environment, property, and public health, safety, and welfare in the Sahtú region. Further, all parties, including the KGC, agreed that a shut-in with no licence in place was an unacceptable scenario.

Under paragraph 72.12(a) of the MVRMA, the Board has the authority to renew the Licence if it determines that doing so is in the public interest. While the KGC agrees that the short-term Renewal is necessary, it argues that a three-year term is not in the public interest. Respectfully, the Board disagrees for the reasons described in sections 6.1 and 6.2. However, the Board agrees that the K'ahsho Got'ine Rights must be considered as part of the public interest analysis and confirms that it has done so.

At the same time, the K'ahsho Got'ine are not the only parties whose interests the Board is required to consider. The objectives of the Board set out in paragraph 25.4.2(a) of the Land Claim Agreement and section 58 of the MVRMA make this clear:

"The Gwich'in Land and Water Board and the Sahtú Land and Water Board shall regulate the use of land and waters and the deposit of waste so as to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit for residents of their respective management areas and of the Mackenzie Valley and for all Canadians."

The KGC correctly notes that a decision failing to discharge the duty to consult cannot be in the public interest, but this does not mean that Indigenous interests cannot be balanced with other societal interests at the accommodation stage.¹⁶⁰

¹⁶⁰ *Chippewas*, *supra* note 132 at para 59.

The SCC has emphasized this balance, stating that the duty to consult does not provide Indigenous groups with a “veto” over final Crown decisions,¹⁶¹ and that proper accommodation requires balancing competing societal interests with Aboriginal and Treaty Rights.¹⁶² As stated by *Clyde River* at paragraph 41:

“...Engagement of the Honour of the Crown does not predispose a certain outcome but promotes reconciliation by imposing obligations on the manner and approach of government (*Haida [Nation]* at paras. 49 and 63).”

The KGC contends that the three-year term is not in the public interest because the Board failed to discharge the Crown’s duty to consult, and a decision inconsistent with that duty cannot be in the public interest.¹⁶³ The KGC is correct that a failure to satisfy the duty to consult would undermine the public interest.¹⁶⁴ However, for the reasons outlined above, the Board’s process for the Licence renewal discharged the Crown’s duty to consult.

Having ensured that the Board’s role in discharging the Crown’s duty to consult has been satisfied, the Board must conduct its analysis of the public interest by considering all residents of the Sahtú who might be affected by the renewal of the Licence. This analysis must be consistent with the objectives set out for the Board in the Land Claim Agreement and the MVRMA.

Earlier in these reasons a thorough consideration of the options and evidence regarding the term of the short-term Renewal was conducted. The Board found that the alternative care and maintenance licence proposed by the KGC would not be practicable under the circumstances. The reasons for this determination are detailed in section 6.2 and will not be repeated here. Having considered the public interest arguments of the KGC in light of its analysis of the duty to consult and UNDRIP, the Board has determined that the public interest is better served by renewing the Licence for a three-year term.

Conclusion on the Duty to Consult

The Board has carefully considered the KGC’s concerns regarding the short-term Renewal proceeding and the Crown’s duty to consult. While the KGC submits that the process was inadequate to discharge the Crown’s duty to consult, the Board finds that the consultation undertaken was thorough, meaningful, and consistent with the legal framework governing the duty to consult.

The Board followed the consultation process established in the MVRMA, ensuring that the KGC and other affected parties were given sufficient notice, reasonable opportunities to participate, and a fair and impartial consideration of their views. Furthermore, the Board carefully assessed the impact of UNDRIP and FPIC, recognizing them as contextual factors that inform the duty to consult but do not confer a veto over Crown decisions.

¹⁶¹ *Chippewas*, *supra* note 132 at para 59 citing *Haida Nation*, *supra* note 128 at para 48.

¹⁶² *Haida Nation*, *supra* note 128 at para 50.

¹⁶³ See SLWB Online Registry for [S13L1-007 – Board-Initiated Renewal – KGC – Closing Arguments – Feb26 25](#). p10.

¹⁶⁴ *Clyde River*, *supra* note 126 at para 40.

Additionally, the short-term Renewal decision was made in an emergency context to prevent significant environmental, economic, and public safety risks. The Board acknowledges KGC's position that the public interest must account for the rights and interests of the K'ahsho Got'ine. However, the public interest analysis also requires balancing competing societal interests, as affirmed by the SCC.

For these reasons, the Board finds that the consultation process fulfilled the Crown's duty to consult and that the short-term Renewal of the Licence for a three-year term is both justified and in the public interest.

7.0 Conclusion

The Board has determined that it is in the public interest to renew Water Licence S13L1-007 for a term of three years, with no other proposed change to Licence conditions, to prevent a potential emergency and protect property, the environment, and public welfare, health, and safety. As well, the Board has determined this three-year renewal term is in the interest of maintaining regulatory authorizations in place to protect the environment and the public until the EAs and regulatory processes for the long-term renewal application (S24L1-005) can be considered.

SIGNATURE



March 14, 2025

Valerie Gordon, Chair
Sahtú Land and Water Board

Date



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Imperial Oil Resources N.W.T. Limited

Water Licence S13L1-007

Pursuant to the *Mackenzie Valley Resource Management Act and Mackenzie Valley Federal Areas Waters Regulations*, the Sahtu Land and Water Board grants this Water Licence to:

Imperial Oil Resources N.W.T. Limited

(Licensee)

of

Bag Service 5000, Norman Wells, NT X0E 0V0

(Mailing Address)

hereinafter called the Licensee, to proceed with the following undertaking, subject to the annexed definitions and conditions contained therein:

Location:	Norman Wells Operations
Water Management Area:	Mackenzie River
Purpose:	Industrial
Type:	Type A
Quantity of Water not to be exceeded:	Up to 3,500,000 m ³ per year or up to 16,000 m ³ per day
Effective Date:	May 4, 2025
Expiry Date:	May 3, 2028



Valerie Gordon, Chair
Sahtú Land and Water Board



Natalie Lippa, Witness



Honourable Gary Anandasangaree
Minister of Northern Affairs

List of Abbreviations

AANDC	Aboriginal Affairs and Northern Development Canada
AEMP	Aquatic Effects Monitoring Program
BTEX	benzene, toluene, ethylbenzene, and xylenes
CPF	Central Processing Facility
EQC	Effluent Quality Criteria
GW	Groundwater
ICP-MS	Inductively coupled plasma mass spectrometry
IORL	Imperial Oil Resources N.W.T. Limited, the Licensee
MVRMA	Mackenzie Valley Resource Management Act
NT	Northwest Territories
NWPA	Norman Wells Proven Area
QA/QC	Quality Assurance and Quality Control
SNP	Surveillance Network Program



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Part A: Scope and Definitions

1. Scope

- a) This Licence entitles Imperial Oil Resources N.W.T. Limited to use waters and dispose of Waste for industrial undertakings in oil and gas production, closure and reclamation, and associated uses at the Norman Wells Norman Wells Proven Area located at Latitude 65° 17' N., Longitude 126° 51' W., in the Northwest Territories;
- b) This Licence is issued, subject to the conditions contained herein, with respect to the use of Waters and the deposit of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Governor-in- Council under the *Mackenzie Valley Resource Management Act*, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations; and,
- c) Compliance with the terms and conditions of this Licence does not affect the Licensee's obligation to comply with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

“Act” means the *Mackenzie Valley Resource Management Act*.

“Acute Lethality” means an effluent which is deemed acutely lethal if the undiluted (100%) effluent kills 50% or more of the fish or daphnia in the test. (Biological test method: Acute Lethality Test Using Rainbow Trout Report EPS 1/RM/9 July 1990), and (Biological test method: Acute Lethality of Effluents to Daphnia magna EPS 1/RM/14 Second Edition December 2000), as may be amended from time to time.

“Analyst” means an Analyst designated by the Minister under Sub-section 84(2) of the Act.

“Aquatic Effects Monitoring Program” means a monitoring program designed to determine the short and long-term effects in the Receiving Environment resulting from Project activities and to evaluate if the Receiving Environment is being adequately protected or Waters used are being adequately managed or additional mitigation measures are necessary.

“Artificial Islands” means the physical structure of the constructed islands, including the sand core, slope and scour protection, drilling equipment and supplies, storage facilities, well head equipment, and temporary or permanent buildings.

“Biocell” comprises the area or engineered cell designed for the treatment of contaminated soil through biological processes by degradation of contaminants. The



bioremediation process may involve the addition of water and nutrients, as well as aeration through mechanical processing.

“Board” means the Sahtu Land and Water Board established under Section 56 of the *Act*.

“Central Processing Facility” means the plant where oil, gas, and Produced Water are collected from the oilfield and separated, with plant cooling being accomplished using Mackenzie River water.

“Commercial Operations” means the period of oil production.

“Discharge” means the direct or indirect release of any Waters or Waste to the Receiving Environment.

“Flowline” means a line that is used to transport fluids from a well to a production facility or vice versa, and includes intrafield export and all gathering lines.

“Grab Sample” means an instantaneous sample of Waters.

“Groundwater” means all Waters below the ground surface.

“Groundwater Treatment Facilities” system designed to collect and treat contaminated Groundwater.

“Impermeable Lined Diked Areas” means an area enclosed by a dike incorporating a synthetic liner that is considered to be impermeable to leakage for the purposes of completely containing all drilling fluids and drilling Wastes within the diked and lined area.

“Inspector” means an Inspector designated by the Minister under Sub-section 84(1) of the *Act*.

“Licensee” means the holder of this Licence.

“Minister” means the Minister of Indian Affairs and Northern Development;

“Modification” in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of a structure.

“Natural Islands” means Bear, Goose, and Frenchy's Islands, including drilling equipment and supplies, waste and storage facilities, well-head equipment, and temporary or permanent buildings.

“Norman Wells Proven Area” means the proven area identified in the Proven Area Agreement between Canada and Imperial Oil Limited dated July 21, 1944, as amended.



“Produced Water” means Waters naturally present in the reservoir or injected into the reservoir to enhance production and produced as a co-product when gas or oil is produced.

“Project” means the undertaking described in Part A, Item 1.

“Receiving Environment” means, for the purpose of this Licence, the natural environment that receives any deposit or Discharge of Waste, including runoff, from the Project.

“Reclamation” means activities which facilitate the return areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

“Regulations” means Regulations proclaimed pursuant to Section 90.3 of the Act.

“Representative Grab Sample” means a grab sample consisting of equal portions of Water collected from a minimum of two locations within one site.

“River Ice Breakup” means the period from the time the ice first starts to move in the Mackenzie River at Norman Wells in the spring, to the time when the River is free of pack ice at Norman Wells.

“Single Composite Sample” means a sample composed of proportional sub-samples taken over a time period acceptable to an Inspector, as approved by the Analyst, and submitted to the Board in accordance with the sampling and analysis requirements specified in the "Surveillance Network Program";

“Surface Water Run-Off Facilities” means those locations referred to in Annex A, Part F.

“Surveillance Network Program” refers to the program set out in Annex A.

“Unauthorized Discharge” is a Discharge of any waters or Waste not authorized under this Licence or legislation.

“Waste” means waste as defined in Section 51 of the Act.

“Watercourse” a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

“Waterflood” means the injections of Waters into the Norman Wells oilfield reservoir for pressure maintenance and enhanced oil production.

“Waters” means waters as defined in Section 51 of the Act;

“Water Intake” means the wetwell pump and associated facilities installed in the Mackenzie River and the water line to the Central Processing Facility.



Part B: General Conditions

1. The Licensee shall ensure that a copy of this Licence is maintained on the Project site at all times.
2. The water use fee shall be paid annually in advance of any use of Waters, in accordance with the Mackenzie Valley Land and Water Board's *Water Use Fee Policy*.
3. The Licensee shall operate in accordance with any Management Plans (Plans) approved pursuant to the conditions of this Licence and with any revision to the Plans as may be made from time to time pursuant to the conditions of this Licence and as approved by the Board. If any Plan or proposed update is not approved by the Board, the Licensee shall revise the Plan according to the Board's direction and re-submit it to the Board for approval.
4. The Licensee shall comply with the Schedules, which are annexed to and form part of the Licence.
5. The Schedules may be amended at the discretion of the Board through a process which shall include public notice of the Board's intention to consider a change, such Notice to be provided to the Licensee, the Minister, regional AANDC officials and other affected or interested stakeholders. Any such Notice shall be accompanied by an explanation of the proposed change to a Schedule and a reasonable opportunity shall be provided for comments to be provided by interested parties, and considered by the Board, before a decision is made.
6. The matters for which flexibility is required by the Board and where amendments to Schedules may be made by the Board from time to time under Part B Item 5 include the following:
 - Schedule 1 General Conditions;
 - Schedule 2 Conditions Applying to Security;
 - Schedule 3 Conditions Applying to Water Use;
 - Schedule 4 Conditions Applying to Waste and Waste Management;
 - Schedule 5 Conditions Applying to Operations and Maintenance;
 - Schedule 6 Conditions Applying to Aquatic Effects Monitoring; and
 - Schedule 7 Conditions Applying to Closure and Reclamation.
7. The Licensee shall comply with the **Surveillance Network Program**, which is annexed to and forms part of this Licence, and any amendments to the **Surveillance Network Program** as may be made from time to time by the Board.
8. The **Surveillance Network Program** and any compliance dates specified in this Licence may be amended at the discretion of the Board.



9. Meters, devices, or other such methods used for measuring the volumes of Waters used and Waste discharged shall be installed, operated and maintained by the Licensee to the satisfaction of an Inspector.
10. The Licensee shall post and maintain signs necessary to identify the stations of the **Surveillance Network Program** in a manner satisfactory to an Inspector.
11. Within 60 days following the effective date of this Licence, the Licensee shall submit to the Board for approval, a revised **Engagement Plan**. The Plan shall be in accordance with the Mackenzie Valley Land and Water Board's *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences*, June 2013, or subsequent editions.
12. The Licensee shall review the **Engagement Plan** annually and shall submit updates to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plan; and
 - b) Upon the request of the Board.
13. In each year of the Licence term, the Licensee shall file an **Annual Report** with the Board. The report shall be filed no later than March 31st of the year following the calendar year reported. The report shall contain the information set out in Schedule 1, Item 1.
14. In conducting its activities under this Licence, the Licensee shall make best efforts to consider and incorporate any scientific information and traditional knowledge that is made available to the Licensee.



Part C: Conditions Applying to Security

1. The Licensee shall post and maintain a security deposit in an amount in accordance with Schedule 2, Item 1.
2. The Licensee shall submit an updated Reclamation liability estimate utilizing the current version of RECLAIM, or another method acceptable to the Board,
 - a) If the Licensee seeks changes to the Closure and Reclamation Plan; and
 - b) Upon request of the Board.
3. The amount of the security deposit required by Part C, Item 1 and Schedule 2, Item 1 may be revised by the Board in accordance with Part B Item 5 based on estimates of the current Reclamation liability referred to in Part C, Item 2 of this Licence or based on such other information as may be available to the Board.
4. If the amount of the security deposit is revised by the Board as described under Part C, Item 3, the Licensee shall post the revised amount with the Minister within 90 days of the Board giving notice of the revised amount.
5. The Licensee shall submit an updated Reclamation liability estimate after approval of the Closure and Reclamation Plan, using the current version of RECLAIM or another method acceptable to the Board.



Part D: Conditions Applying to Water Use

1. The Licensee shall obtain all Waters from the Mackenzie River, unless otherwise approved by the Board, for Central Processing Facility cooling, Waterflood, drilling, and any other industrial or maintenance uses associated with operations utilizing the approved Water Intake.
2. The Licensee may use Waters from the Surface Water Runoff Facilities for dust suppression only if those Waters meets the effluent quality criteria established in Part E, Item 1 of the **Surveillance Network Program** (Annex A), or as otherwise approved by the Board.
3. The annual quantity of Waters withdrawn for any purpose shall not exceed the limits set out in Schedule 3, Item 1.
4. The Licensee shall minimize the total amount of Waters used by the Project using appropriate water conservation methods, such as, but not limited to, the injection of Produced Water into the Norman Wells Proven Area oilfield reservoir.



Part E: Conditions Applying to Waste and Water Management

1. The Licensee shall manage Waters and Waste with the objective of minimizing the effects of Project activities on the quantity and quality of Waters in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.

Management Plans

2. Within six months following the effective date of this Licence, the Licensee shall submit to the Board for approval, a revised **Groundwater Management Plan**. The Plan shall be in accordance with the Mackenzie Valley Land and Water Board's *Standard Outline for Management Plans* and the requirements as set out in Schedule 4, Item 1. The Plan shall include the groundwater monitoring wells identified in Annex A, Part G.
3. The Licensee shall operate in accordance with the **Groundwater Management Plan**, once approved.
4. The Licensee shall review the **Groundwater Management Plan** annually and shall submit updates to the Plan to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plan; and
 - b) Upon request of the Board.
5. The Licensee shall operate in accordance with the **Environmental Protection Plan**, once approved.
6. The Licensee shall review the **Environmental Protection Plan** annually and shall submit updates to the Plan to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plan; and
 - b) Upon request of the Board.
7. The Licensee shall operate in accordance with the **Waste Management Plan**, once approved. The Plan shall be in accordance with the Mackenzie Valley Land and Water Board's *Guidelines for Developing a Waste Management Plan*, March 2011, or subsequent editions.
8. The Licensee shall review the **Waste Management Plan** annually and shall submit updates to the Plan to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plan; and
 - b) Upon request of the Board.



9. The Licensee shall maintain a copy of the **Waste Management Plan** on-site in a readily available location to the satisfaction of an Inspector.

General Conditions

10. The Licensee shall not use any biocides where they may enter any Watercourse unless approved by the Board.
11. The Licensee shall ensure that any fuels, chemicals or Waste(s) associated with the Project do not enter any Waters, except in the manner described in the **Surveillance Network Program**.

Effluent Quality Criteria

12. The Licensee shall discharge water in a controlled manner designed to avoid flooding or erosion.
13. All sewage Waste(s) shall be disposed of at a licensed sewage disposal facility.
14. The Licensee shall not release hydrostatic test fluids to land and/or Waters. Hydrostatic test fluids shall be handled through the Licensee's injection processes.
15. No Waste(s) discharged at SNP Station S13L1-007 – 2 to the Mackenzie River shall be acutely lethal to fish nor shall it exceed the following effluent quality criteria:

Parameter	Maximum Average Concentration	Maximum Concentration of Any Grab Sample
Total Petroleum Hydrocarbons	3.0 mg/L	5.0 mg/L
Phenols	0.07 mg/L	0.14 mg/L
Chloride	250 mg/L	500 mg/L
Total Suspended Solids	N/A	N/A
Specific Conductivity	N/A	N/A

16. The Waste referred to in Part E Item 15 shall have a pH between 6.0 and 9.0



Part F: Conditions Applying to Operation and Maintenance

1. The Licensee shall drill all wells from within Impermeable-Lined Diked Areas.
2. The Licensee shall undertake any necessary annual maintenance required to preserve the structural integrity of the Artificial Islands, and where required on the Natural Islands.
3. The Licensee shall inspect the riverbeds, channels and banks of the Mackenzie River in the vicinity of the Flowline(s), and shall immediately notify the Inspector of any significant risk to infrastructure, public safety or the environment from erosion and take appropriate remedial action as required.
4. The Licensee shall operate in accordance with the **Flowline Integrity Management Plan**, once approved.
5. The Licensee shall review the **Flowline Integrity Management Plan** annually and shall submit updates to the Plan to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plan; and
 - b) Upon request of the Board.
6. The Licensee shall submit an **Annual Flowline Integrity and Mackenzie River Breakup Report** no later than October 31st of the year being reported. The report shall contain the information set out in Schedule 5, Item 1.



Part G: Conditions Applying to Modifications

1. The Licensee may, without written consent from the Board, carry out Modification(s) to the water supply and Waste disposal facilities, bunkers, docks, bridges, flowlines, creek banks, and river banks provided that the Modification(s) are consistent with the terms of this Licence and the following requirements are met:
 - a) the Licensee has provided the details of the proposed Modification(s) to the Board, in writing, at least 60 days prior to the commencement of the Modification(s);
 - b) the Modification(s) does not place the Licensee in contravention of either the Licence, the Act or Federal, Territorial or Municipal Legislation;
 - c) the Board has not, during the 60 days following notification of the proposed Modification(s), informed the Licensee that review of the proposal will require more than 60 days; and
 - d) the Board has not rejected the proposed Modification(s).
2. Modification(s) for which all of the conditions referred to in Part G: Item 1, have not been met, can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawing of the Modification(s) referred to in this Licence within 90 days of completion of the Modification(s).



Part H: Conditions Applying to Contingency Planning

1. The Licensee shall operate in accordance with the **Spill Contingency Plan**, once approved. The Plan shall be in accordance with Indian and Northern Affairs Canada's *Guidelines for Spill Contingency Planning*, 2007, or subsequent editions.
2. The Licensee shall operate in accordance with the **Emergency Response Plan**, once approved.
3. The Licensee shall review the Management Plans referred to in Part H, Items 1 and 2 annually and shall submit updates to the Plans to the Board for approval at the following times:
 - a) If the Licensee seeks changes to the Plans;
 - b) Upon request of the Board.
4. The Licensee shall carry out field and communication exercises annually to demonstrate the capability to contain, recover and report spills under a variety of environmental conditions, such as early and late winter ice conditions, and moderate and high flow conditions.
5. The Licensee shall undertake further field and communication exercises at the request of the Board.
6. If, during the period of this Licence, a spill or an Unauthorized Discharge of Waste(s) occurs, or is foreseeable, the Licensee shall:
 - a) Implement the **Spill Contingency Plan**;
 - b) report the incident immediately via the 24 Hour NWT Spill Reporting Line (867) 920-8130 in accordance with the instructions contained in the Spill Report Form NWT 1752/0593 or subsequent editions;
 - c) report each spill and Unauthorized Discharge of Waste to the Board and an Inspector within 24 hours; and
 - d) within 30 days of an Unauthorized Discharge or an incident reported under Part H, Item 6b), the Licensee shall submit a detailed report to the Board and an Inspector. The report shall include descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future.
7. All spills and Unauthorized Discharges of water or Waste shall be cleaned up and the affected area reclaimed to the satisfaction of an Inspector.



Part I: Conditions Applying to Aquatic Effects Monitoring

1. The Licensee shall submit within one year of the effective date of this Licence an Aquatic Effects Monitoring Program (AEMP) Design Plan for approval by the Board. **The Aquatic Effects Monitoring Program Design Plan** should be developed in accordance with AANDC's "Guidelines for Designing and Implementing Aquatic Effects Monitoring Programs for Development Projects in the NWT" and shall satisfy the requirements of Schedule 6, Item 1.
2. The Licensee shall adhere to the approved **Aquatic Effects Monitoring Program Design Plan** and shall annually review the Plan and make any necessary revisions to reflect changes in operations, technology, chemicals or fuels, or as directed by the Board. Revisions to the Plan shall be submitted to the Board for approval.
3. The Licensee shall submit an **AEMP Annual Report** to the Board for approval on or before April 30, 2017 and each year thereafter.



Part J: Conditions Applying to Closure and Reclamation

1. The Licensee shall submit within one year of the Licence being issued a **Closure and Reclamation Plan** for approval by the Board.
2. The Licensee shall adhere to the approved **Closure and Reclamation Plan** and shall annually review the Plan and make any necessary revisions to reflect changes in operations, technology, chemicals or fuels, or as directed by the Board. Revisions to the Plan shall be submitted to the Board for approval.
3. The Licensee shall carry out Progressive Reclamation of areas affected by licensed operations as soon as is reasonably practicable.
4. The Licensee shall provide an **Annual Closure and Reclamation Plan Progress Report** no later than May 31st following the calendar year being reported. The report shall contain the information set out in Schedule 7, Item 1.
5. A minimum of 24 months prior to the end of Commercial Operations, the Licensee shall submit a **Final Closure and Reclamation Plan** to the Board for approval.

Signed March 11, 2025 on behalf of the Sahtú Land and Water Board



Witness



Valerie Gordon, Chair
Sahtú Land and Water Board



Annex A: Surveillance Network Program (SNP)

SAHTU LAND AND WATER BOARD

LICENSEE: Imperial Oil Resources N.W.T. Limited

LICENCE NUMBER: S13L1-007

EFFECTIVE DATE OF LICENCE ISSUANCE: May 4, 2025

A. Location of Surface Water Monitoring Stations

<u>Station</u>	<u>Status</u>	<u>Description</u>	<u>Location</u>
S13L1-007 -1	Active	Central Processing Facility Intake water from the Mackenzie River.	W126°53.053' N65°17.230'
S13L1-007 - 2	Active	Central Processing Facility discharge return line to the Mackenzie River.	W126°53.093' N65°17.196'

B. Quality Assurance and Quality Control

1. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of American Public Health Association's (APHA) *Standard Methods for the Examination of Water and Wastewater*, or by such other methods approved by the Analyst.
2. All analyses shall be performed in a laboratory approved by the Analyst.
3. The Licensee shall review the **Quality Assurance and Quality Control Manual** annually and shall revise the manual as necessary to reflect changes in field and laboratory quality control and quality assurance testing, procedures and technology. The proposed revision(s) shall be submitted to the Board for approval. The manual shall be implemented as approved by the Analyst.
4. The Licensee may, upon notifying the Inspector, clean the settling pond at the Central Processing Facility according to the CPF Settling Pond Cleaning Procedure, approved by the Board and amended from time to time.



C. Sampling and Analysis Requirements for Surface Water SNP Stations

1. A Single Composite Sample of water at SNP Station S13L1-007 – 1 shall be sampled and analyzed for the following parameters and frequencies:

Parameter	Sampling Frequency
Phenols	Once per week
Total Petroleum Hydrocarbons	Once per week
Total Suspended Solids	Twice per week
pH	Twice per week
Specific Conductivity	Twice per week

2. A Representative Grab Sample of Water(s) shall be collected at SNP station S13L1-007 - 1 quarterly (four samples throughout the year) and analyzed for the following parameters:

Parameters		
pH	Chloride	Total Alkalinity
Sodium	Calcium	Specific Conductivity
Potassium	Magnesium	Total Suspended Solids
Sulphate	Phenols	Total Dissolved Solids
Total Petroleum Hydrocarbons	Total Phosphorus	Total Hardness

3. A Single Composite Sample of water at SNP Station S13L1-007 – 2 shall be sampled and analyzed for the following parameters and frequencies:

Parameter	Sampling Frequency
Phenols	Once per week
Total Petroleum Hydrocarbons	Once per week
Total Suspended Solids	Twice per week
pH	Twice per week
Specific Conductivity	Twice per week

4. A daily Grab Sample of water at SNP Station S13L1-007 – 2 shall be field analyzed for Total Residual Chlorine.
5. No Wastes discharged at SNP Station S13L1-007 – 2 to the Mackenzie River shall exceed the effluent criteria set out in Part E, Item 15 of the Licence.
6. A Representative Grab Sample of Water(s) shall be collected at SNP Station S13L1-007 – 2 quarterly (four samples throughout the year at the same time as Acute Lethality testing) and analyzed for the following parameters:

Parameters		
pH	Chloride	Total Alkalinity
Sodium	Calcium	Specific Conductivity



Potassium	Magnesium	Total Suspended Solids
Sulphate	Phenols	Total Dissolved Solids
Total Petroleum Hydrocarbons	Total Phosphorus	Total Hardness

7. The Licensee shall determine the Acute Lethality of the Waste Waters at SNP station S13L1-007 - 2 and performed in a quarterly (four samples throughout the year) time frequency.

8. The Licensee shall provide a 28-day average concentration of the parameters outlined in SNP Part C, Items 3 and 4. The average concentration shall be reported in accordance with SNP Part D, Item 1.

D. Reports

1. The Licensee shall within 30 days following the month being reported, submit to the Board, all data and information required by the SNP including the results of the approved **Quality Assurance Plan**.

E. Sampling and Analysis Requirements for Surface Water Run-Off Facilities

1. A Representative Grab Sample and analysis of all Waters collected in the Surface Water Run-Off Facilities (listed in section F of the Surveillance Network Program) discharged to lands and/or Waters, and/or to be used for dust suppressant on roads, shall be obtained prior to Discharge.
 - a) Water to be Discharged from Surface Water Run-Off Facilities (listed as Category A in section F of the Surveillance Network Program) shall be analyzed for the following prior to Discharge and weekly during Discharge:

Parameter	Guideline
Visible oil sheen on the water	Presence of
Chlorides (Field Test)	< 500 mg/L
pH (Field Test)	6.0 – 9.0

- b) Water to be Discharged from Surface Water Run-Off Facilities (listed as Category B in section F of the Surveillance Network Program) shall be analyzed for the following prior to Discharge and weekly during Discharge:

Parameter	Guideline
Total Petroleum Hydrocarbons	5.0 mg/L
Phenols	0.14 mg/L
pH	6.0 -9.0
Chlorides	< 500 mg/L
Total Suspended Solids	N/A
Total Dissolved Solids	N/A
Specific Conductivity	N/A



- c) Water shall not be released from Surface Water Run-off Facilities if there is exceedance(s) of criteria in 1(a) and 1(b) above without consulting the Board and Inspector. The licensee shall make every effort to investigate exceedance(s) and treat the water before Discharge.
- d) When discharging water volumes greater than 10 m³, the Discharge shall be monitored by obtaining a Representative Grab Sample(s) and conducting subsequent analyses as outlined in SNP Part E, Items 1 (a) or (b). Samples shall be taken before, in the middle, and the end of the Discharge period. For water volumes less than 10 m³, a single Representative Grab Sample shall be collected and analyzed before the Discharge begins.
- e) An estimate of the total volume of water discharged shall be recorded for each Discharge.
- f) Water(s) collected in any area associated with Imperial Oil's Norman Wells operations and facilities not listed in Part F shall be sampled and analyzed as per SNP Part E, Items 1 (b-d), as required.

F. Surface Water Run-off Facility Categories

This Section is intended to outline any area associated with Imperial Oil's Norman Wells operations and facilities that may be used to collect surface water, which will ultimately require Discharge to land(s) and/or Water(s).

Surface Water Run-Off Facilities include impound basins and areas, excavations, bunkers, bermed areas, and associated ditches provided for the collection, storage, and Discharge of Surface Water Run-off from Imperial Oil's Norman Wells operations and facilities. Figure 1 provides a colour coded map of the different Surface Water Run-Off Facilities.

Category A – includes excavations (in areas where there are no known historical impacts), bunkers, bermed areas, and associated ditches.



Category B – includes;

Location	Coordinates
CPF Impound Area	W126°53.121' N65°17.132'
LT 11 Impound Basin	W126°51.722' N65°17.027'
Refinery Impound Basin	W126°50.817' N65°16.888'
Refinery Water Flood Basin	W126°50.539' N65°16.938'
Refinery Tank Farm	
Field Services Storage Yard	
Biocell	
Capped Sumps	
Excavations (in areas where there is known historical impacts)	
Or any area where the Surface Water Run-Off from Category A does not meet the requirements outlined in SNP Part E: 1(a).	

Map of Surface Water Monitoring Stations and Surface Water Run-Off Facilities on Figure 1

G. Groundwater Monitoring Wells

Station	Status	Description	Location
CPF 97-7-5	1997	Located between Central Processing Facility and Bosworth Creek.	W126°877.462' N65°286.553'
CPF-98-8-3	1998	Located between Central Processing Facility and the Mackenzie River.	W126°885.929' N65°286.553'
WSY-97-1-5	1997	Closest well located between the Well Service/Warehouse Yard and Bosworth Creek	W126°873.608' N65°288.127'
ARB-12-3-3	2012	Closest groundwater monitoring well to the biocell	W126°86.037' N65°28.759'



C38-08-1-4	2008	Located between known previous well issues (C36x) and the Mackenzie River	W126°856.857' N65°283.478'
TF-03-12-3	2003	Located between the Tank Farm and the Mackenzie River and downgradient from a known hydrocarbons source	W126°846.446' N65°282.365'
MTF-97-1-5	1997	Located between the Tank Farm and the town of Norman Wells	W126°838.576' N65°283.627'
BIS-97-1-3	1997	Located between Bear Island sump #5 (near P37X) and the Mackenzie River	W126°895.531' N65°257.705'
BI-13-3-4-5	2013	Located near Bear Island sump #6 (near M50X) and the Mackenzie River	W126°86.266' N65°25.581'
BIBG-12-1-7	2012	Located at the western edge of the development on Bear Island and the Mackenzie River	W126°91.713' N65°25.336'
GIBG-10-2-3	2010	Located between well pads on Goose Island and the Mackenzie River	W126°94.244' N65°26.778'
GIQ8-10-2-4	2010	Located between the fuel storage and handling area on Goose Island and the Mackenzie River	W126°959.796' N65°274.052'
Contingency Wells			
MEBG-10-1-3	2010	Central Location on the mainland. Located between the Mainland Sumps and the Mackenzie River	W126°857.963' N65°286.081'
BI-13-1-4	2013	Located near Bear Island sump #6 (near M50X) and the Mackenzie River	W126°85.955' N65°25.432'
GIP11-09-1-4	2009	Located between a sump and the Mackenzie River on Goose Island	W126°94.889' N65°27.444'

Map of Groundwater-SNP Stations on Figure 2¹

1. Sampling of Groundwater monitoring wells shall be conducted twice a year during the months of May to September.
2. The Groundwater monitoring wells selected shall be sampled for the following parameters:

Parameter	Frequency
Chloride	Twice per year
Benzene Toluene Ethylbenzene and Xylenes (BTEX)	Twice per year
ICP-MS Metal Scan (Total) ¹	Twice per year
Major Ions ²	Twice per year

¹ IORL, Norman Wells Operation – Groundwater Management Plan, September 2014, Appendix C, Groundwater Well Locations, pg. 43.



H. Flow, Volume and Temperature Measurement Requirements

1. The following qualities shall be measured and recorded daily in cubic metres;
 - a) the quantity of fresh Water pumped from the Mackenzie River;
 - b) the quantity of Waste water returned to the Mackenzie River; and
 - c) the quantity of Produced Water and fresh water injected into the oilfield reservoir;
2. The water temperatures shall be measured daily at SNP station S03L1-01 and S03L1-02 in degrees Celsius.

¹ICP-MS Metal Scan shall include at a minimum, the following regulated parameters: Aluminum, Cadmium, Chromium, Copper, Lead, Nickel, Zinc.

Once Annually the ICP shall also include the following monitored parameters: Manganese, Molybdenum, Selenium, Strontium, Uranium.

Total metals shall be analyzed unfiltered and dissolved using a 0.45 micron filter.

²Major ions include the following parameters:

Calcium, Chloride, Sulphate, Magnesium, Fluoride, Potassium, Alkalinity, Hardness, Total Dissolved Solids.

Signed March 11, 2025 on behalf of the Sahtú Land and Water Board



Witness



Valerie Gordon, Chair
Sahtú Land and Water Board



Schedules for Type A Water Licence S13L1-007

Imperial Oil Resources Limited - Norman Wells Operation

Schedule 1 – Annual Report

Schedule 2 – Security Requirements

Schedule 3 – Water Use

Schedule 4 – Groundwater Management Plan

Schedule 5 – Flowline Integrity and Mackenzie River Breakup Report

Schedule 6 – AEMP Design Plan

Schedule 7 – Closure and Reclamation Report

Figure 1 – Map of Surface Water SNP Locations and Surface Water Run-off Facilities

Figure 2 – Map of Active Groundwater SNP Stations



Schedule 1

Part B: General Conditions

1. The Licensee's Annual Report required by Part B: Item 11 of the Licence shall contain the following information:
 - a) the monthly and annual quantities, in cubic metres, of fresh Water(s) obtained from all sources;
 - b) the monthly and annual quantities, in cubic metres, of each and all Waste discharged;
 - c) the monthly and annual quantities, in cubic metres, of Waste discharged to the Mackenzie River at SNP Station S13L1-007 – 2;
 - d) the monthly and annual quantities, in cubic metres, of fresh Water(s) and Produced Water injected to the Waterflood;
 - e) the monthly and annual quantities, in cubic metres, of Water(s) contained and discharged from the Surface Water Run-Off Facilities;
 - f) the monthly and annual quantities, in cubic metres, of Produced Water recovered from the oilfield reservoir;
 - g) tabular summaries of all data generated under the **Surveillance Network Program** (SNP);
 - h) a list of unauthorized discharges, identification of waterbodies affected and the current status of mitigation measures;
 - i) an annual drilling schedule for the upcoming year to the Board with locations of each well;
 - j) the annual amounts in cubic metres of Waste(s) generated from all drilling activities;
 - k) a summary of the measures taken to minimize net Water(s) withdrawals from all sources as required by Part D: Item 4 of the Licence;
 - l) details on the handling, storage, treatment and disposal of all Waste(s) generated by project activities;



- m) a review of spill training and communication exercises of the previous year, including the successes and failures, as well as recommendations for improvement;
- n) a general schedule for any planned oil spill exercises for the following year;
- o) a summary of any Modification(s) and/or major maintenance work carried out as per Part G of the Licence;
- p) any other details on Water(s) use or Waste(s) disposal requested by the Board no later than March 31st of the year following the calendar year reported; and
- q) a summary of all spills and Unauthorized Discharges and follow-up actions taken that occurred during the previous calendar year.



Schedule 2

Part C: Conditions Applying to Security

1. The Licensee shall post and maintain a security deposit of CDN \$178,883,606.00 (\$180,883,606.00 less \$2,000,000.00 existing security) for the Imperial Oil Resources Norman Wells Operation, in accordance with Section 72.11 of the Act and Part C of this Licence.



Schedule 3

Part D: Conditions Applying to Water Use

1. The Licensee shall not exceed the total allowable Water(s) withdrawal limit of 3,500,000 cubic metres per year, and shall not exceed the withdrawal rate of 16,000 cubic metres per day.



Schedule 4

Part E: Conditions Applying to Waste and Water Management

1. The Licensee's **Groundwater Management Plan** shall contain the following information:
 - a) an assessment of available baseline information;
 - b) a plan to collect additional information necessary to establish baseline conditions for Groundwater monitoring wells;
 - c) proposed criteria for all sampled parameters that indicate contamination;
 - d) identification of Groundwater monitoring wells that show contamination;
 - e) identification of Groundwater monitoring wells that are indicating a trend towards contamination before end of operations; and
 - f) a detailed response plan to address contaminated and potentially contaminated Groundwater.



Schedule 5

Part F: Conditions Applying to Operation and Maintenance

1. The Licensee's Annual **Flowline Integrity and Mackenzie River Breakup Report** required by Part F, Item 6 of the Licence shall contain the following information:
 - a) The results of inspections of the physical condition of each Artificial and Natural Island, including channel erosion, island scour holes and erosion, Flowline landfalls, the condition of rip rap and the following information:
 - i. locations, depth, and volume of channel scour in the vicinity of any Flowline(s);
 - ii. locations and magnitude of Artificial Island slope erosion;
 - iii. locations and severity of Artificial Island rip rap disturbance;
 - iv. structural integrity of the Artificial Islands, and other related structures; and
 - v. structural integrity of the Natural Islands where it is applicable to project activities.
 - b) The dates and results of Flowline(s) and fuel storage tank integrity tests; and
 - c) Details on necessary repair and maintenance work along with a schedule for completing such work prior to the following spring Mackenzie River Breakup period.



Schedule 6

Part I: Conditions Applying to Aquatic Effects Monitoring

1. Within 90 days after the effective date of the Licence, the Licensee shall develop a **Special Effects Study** which addresses the following:
 - a) validation that visible sheen is an effective indicator of the lack of hydrocarbons;
and
 - b) to establish any threat posed by metals and ions in surface or groundwater by monitoring in the Mackenzie River, upstream of the facility and at the groundwater SNP sites listed in Annex A, Part G, for a period of two years (minimum 12 samples), and submit to the Board for approval.
2. Upon Board approval of the **Special Effects Study** the Licensee shall submit a report to the Board with recommendations on the need for EQC based on the results of the monitoring and trend analysis three months following end of sampling.



Schedule 7

Part J: Conditions Applying to Closure and Reclamation

1. The Licensee's **Annual Closure and Reclamation Report** required by Part J, Item 4 of the Licence shall contain the following information, if applicable to closure and Reclamation work:
 - a) a summary of any closure and Reclamation work completed during the year and an outline of any work anticipated for the next year;
 - b) activities related to the Water Intake facilities and Water(s) distribution infrastructure;
 - c) activities related to Waste disposal sites and facilities;
 - d) activities related to the petroleum, chemical, and/or hazardous Waste storage areas;
 - e) details related to the restoration of natural drainage and stream banks related to Project activities;
 - f) details related to the extent of soil and Groundwater impacts and proposed Remediation;
 - g) activities related to the oil collection system, especially any Flowline(s);
 - h) activities related to Surface Water Run-Off Facilities;
 - i) details on any site affected by unauthorized discharges and/or releases;
 - j) activities related to Waterflood facilities and/or infrastructure;
 - k) activities related to the Central Processing Facility;
 - l) activities related to the Artificial and Natural Islands;
 - m) activities related to the former refinery area and associated infrastructure;
 - n) activities related to the Groundwater Treatment Facilities;
 - o) details on any other facility or infrastructure which could potentially impact land and/or Water(s);
 - p) cataloguing of all closed wells and sumps, identifying the status of each, including any planned mitigation measures;
 - q) activities related to revegetation; and
 - r) post-closure monitoring plans for any facility and/or infrastructure.

