

**K'ahsho Got'ine Committee's Motion to Compel Request/Imperial Responses**

<b>KGC #</b>	<b>IR Request</b>	<b>Imperial IR Response</b>	<b>KGC Assessment of Response</b>	<b>Imperial Response to Assessment</b>
1.1(a)	How has Imperial reported the results of the AEMP to the K'ahsho Got'ine? What does Imperial do with the data from water sampling for the AEMP and how is that information shared with the K'ahsho Got'ine?	Imperial's AEMP is regulated by the Sahtu Land and Water Board (SLWB). Imperial follows the regulatory process as set out in applicable legislation and the terms and conditions of Imperial's Type A Water Licence S13L1-007. The results of AEMP sampling are submitted to the SLWB on an annual basis and are distributed publicly for review using the Online Review System (ORS) and are available on the Public Registry.	Not fully answered – It is unclear from Imperial's response whether Imperial shares AEMP results or data with K'ahsho Got'ine directly.	The Imperial response indicated that previous documents submitted to the SLWB are available to any interested parties and therefore the results are publicly available, including to the K'ahsho Got'ine. Imperial would be pleased to share the results and data directly with K'ahsho Got'ine upon written request. In addition, during Neighbour Week and Chapter 9 presentations, the AEMP is included in the material presented.  Imperial submits that it has fully and adequately responded to the information request.
2.1(a)	Please provide a complete analysis of the causes of the Line 490 failure.	The causes, analysis and preventive measures related to the Line 490 failure are contained in the final incident investigation report which is included as Attachment 1.  Imperial has engaged third-party river-crossing pipeline specialists Arcadis and implemented plans to prevent future failures. Imperial is completing the following:  - Continuation of annual riverbed surveys to monitor flowline depth of cover to confirm each crossing possesses sufficient cover to remain protected. - Hydrodynamic modeling has been completed to simulate the Mackenzie River flow through the NWO to assess the potential scour that could occur at different river flow rates. - Response plans have been implemented to shut down and purge flowlines if river flow rates exceed specified critical values. - Armoring as needed to remediate areas of low depth of cover and mitigate the potential for scour.	Not fully answered - The cited "Attachment 1: Line 490 Incident Investigation Report " refers to Imperial's decision to engage internal subject matter experts and review the results of bathymetric and side scan sonar surveys. However, the Attachment does not contain the internal subject matter expert analysis. Instead, it briefly lists their conclusions.	Imperial submits that it has fully and adequately responded to the information request as it relates to purposes of this proceeding and the applications before the Commission. Further information is not reasonable to require within the context of this hearing proceeding.
2.1(b)	Please provide copies of all studies, reports and investigations completed in respect of the Line 490 failure.	Same as answer to Information Request 2.1(a) [see above]	Not fully answered - The cited "Attachment 1: Line 490 Incident Investigation Report " does not include copies of any studies/reports completed pertaining to the Line 490 failure.  For example, the Attachment refers to bathymetric and side scan sonar surveys completed to investigate the failure but does not include the survey reports themselves.	Bathymetry was submitted to SLWB and CER as a part of the annual reporting and is publicly available on the SLWB Public Registry <sup>1</sup> .  Imperial submits that it has fully and adequately responded to the information request as it relates to purposes of this proceeding and the applications before the Commission. Further information is not reasonably required within the context of this hearing proceeding.
2.2(a)	What caused unprecedented scouring of the riverbed in 2021/2022?	Imperial reviewed the data noted in the preamble provided (Station 10KA001; Mackenzie River at Norman Wells). In the spring of 2022, peak flows were greater than 30,000 m <sup>3</sup> per second, not on the order of 5,000 m <sup>3</sup> /sec as indicated in the preamble. The final incident investigation report is included as Attachment 1.	Not fully answered - The cited "Attachment 1: Line 490 Incident Investigation Report " does not explain the unprecedented scouring of the riverbed in 2021/2022.	Imperial submits that it has fully and adequately responded to the information request as it relates to purposes of this proceeding and the applications before the Commission. Further information is not reasonable to require within the context of this hearing proceeding.

<sup>1</sup> [https://registry.mvlwb.ca/Documents/S13L1-007/S13L1-007%20-%202023%20Flowline%20Integrity%20and%20Break%20Up%20Report%20-%20Feb%202005\\_24.pdf](https://registry.mvlwb.ca/Documents/S13L1-007/S13L1-007%20-%202023%20Flowline%20Integrity%20and%20Break%20Up%20Report%20-%20Feb%202005_24.pdf)

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		<p>a) Imperial engaged an external consultant to complete a hydrodynamic study of the Mackenzie River to assess the potential for future erosion/ scour that could expose or suspend the buried flow lines.</p> <p>b) Yes. Imperial has installed armoring over various flowline corridors at the NWO over its history, including in 2024 when armoring was installed along two corridors.</p>		
2.3(b)	<p>How has Imperial modified its spill contingency and response plan to improve communications with and notifications to the K'ahsho Got'ine regarding the same?</p>	<p>While Imperial is committed to mitigating the risk of releases, it has also updated its workflow to provide prompt notification to a broader group of Indigenous community leaders. Imperial demonstrated its commitment to increased communications by providing a significant number of recurring status updates regarding this release.</p>	<p>Not fully answered – It is unclear how Imperial has "updated its workflow" to provide prompt notification to K'ahsho Got'ine.</p>	<p>The list of community leadership to notify by phone and email was updated in the most recent version of the spill contingency plan. Imperial has also changed from sending email notifications as blind carbon copies to simple carbon copies so that all recipients know the people and organizations contacted.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>
2.5(d)	<p>Does Imperial's spill response plan or other emergency response plan address the following:</p> <p>(i) Quickly deploying a qualified environmental professional to assess the effects (mixing) zone of a spill and conduct predictive modelling and monitoring of the impacts. Ideally, the responder would be at Imperial's facility or able to be on-site within 24 hours;</p>	<p>Updates to the Imperial Core ERP, NWO ERP, SCARP and the Mackenzie River Tactical Response Plan have been underway since early 2023, and support work to facilitate these updates began in 2021, supported by a third party, and has been a focus area for NWO. This exercise has included integration of the SCARP with the NWO ERP. Updating the Mackenzie River Tactical Response Plan included fieldwork and site surveillance work. Due to the inter-relation of these plans, updating them in a coordinated manner helps to ensure they can be used in an integrated manner and address potential management of change issues.</p> <p>i) To increase the on-site capacity for initial assessment, the updated SCARP includes expanded spill assessment information and personnel on site will be receiving shoreline clean up and assessment technique training in fall of 2024. A contract for spill response support is in place with 3rd party consultants as well their contact information is included as oil spill response resources in the NWO ERP. These 3rd party consultants facilitated the updates to the SCARP and MRTRP, are familiar with the asset, and are able to respond to an event. Internally there is expertise and resources available from ExxonMobil to generate any spill modelling required. [...]</p>	<p>Not fully answered – It is unclear whether the updated emergency response plan includes the capacity to quickly deploy a qualified environmental professional to assess the effects zone of a spill.</p>	<p>The MRTRP was updated using an assessment of potential releases and flow of spill products. The applicable third party contractors, which may include QEPs depending on the circumstances, could be mobilized to site to provide additional support in the event of a spill. Depending on the size or nature of the spill, the third party could be mobilized to site as required and would be available to provide remote support and advice in the interim.</p> <p>The NWO is an active operation and there are many trained professionals supporting on-site and remotely on an ongoing basis outside of any spill response. These personnel would support, in conjunction with the Incident Management Team, in the event of an emergency response.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>
3.3(a)	<p>How has Imperial engaged the K'ahsho Got'ine to monitor the horizontal directional drilling for the Line 490 Replacement Project?</p>	<p>See the response to CER IR 3.3, a portion of which is reproduced below:</p> <p>Upon approval of the Replacement Activities, Imperial plans to reach out to the communities' Renewable Resource Councils (RRCs) to determine if they are interested in providing oversight of the drilling activities. The scope of the Environmental Monitor role will be developed jointly with Imperial and the participating RRCs based on their capabilities and</p>	<p>With respect to Information Requests 3.3(a)-(d), K'ahsho Got'ine acknowledges that Imperial addressed monitoring by Indigenous peoples for replacement activities in its Response to CER Information Request No. 5 (C30058-2) (at pages 15-16). However, Imperial's response only committed to making a plan after its applications are approved. It did not include details about what kind</p>	<p>Imperial does not expect to pre-define the scope without joint participation with Indigenous communities and submits that for the project and regulatory stage of this scope, this is reasonable.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>

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		interests. Additionally, Imperial will leverage existing relationships with environmental consultants that have formed joint ventures in the Sahtu, as appropriate.	of commitments Imperial would make under such a plan. Not fully answered.	
3.3(b)	How will Imperial ensure that the monitors have full access to the facilities to monitor and oversee the construction and operations?	Same as answer to Information Request 3.3(a) [see above]	Not answered – unclear whether Imperial will ensure that the monitors have full access to the facilities to monitor and oversee the construction and operations.	The monitors will have access to oversee whatever aspects of the Replacement Activities are related to their scope of work.  Imperial submits that it has fully and adequately responded to the information request.
3.3(c)	What financial support will Imperial provide to Indigenous groups for monitoring the horizontal directional drilling for the Line 490 Replacement Project?	Same as answer to Information Request 3.3(a) [see above]	Not answered – unclear whether Imperial will provide financial support to Indigenous groups for monitoring the horizontal directional drilling.	Imperial does not have further details to provide at this time as these details will be progressed at later stages of project planning. Imperial submits that for the project and regulatory stage of this scope, this is reasonable.
3.3(d)	What mechanisms has Imperial established to respond to feedback from K’ahsho Got’ine monitors? What resolution mechanisms has Imperial adopted in the event of a disagreement?	Same as answer to Information Request 3.3(a) [see above]	Not answered – unclear what mechanisms Imperial established to respond to feedback from K’ahsho Got’ine monitors or what would occur in the event of a disagreement.	Imperial does not expect to pre-define the mechanisms without joint participation and submits that for the project and regulatory stage of this scope, this is reasonable.  Imperial submits that it has fully and adequately responded to the information request.
4.1	What options is Imperial currently considering for reclamation of Line 490?	<p>The Replacement Project is planned to replace existing NWO infrastructure. The lines installed will become part of Imperial NWO infrastructure and will be incorporated into the NWO’s closure and reclamation plans.</p> <p>No long-term disturbance to the land is anticipated to result from the HDD operations. Clean-up and restoration will be managed in accordance with the project EPP, and reclamation activities will be planned to align with the Norman Wells Operations Interim Closure and Reclamation Plan. Following completion of the HDD activities any debris, matting and geotextile used during HDD activities will be removed. Drilling waste will be removed, and the entry and exit pits of the HDD will be backfilled and recontoured to restore pre-construction grade and drainage. Topsoil will be replaced and the site will be prepared in a manner facilitating re-establishment of natural vegetation.</p>	Not answered - unclear what options Imperial is considering for reclamation of Line 490.	As per the reasons in the attached letter with this submission, Imperial submits that it has fully and adequately responded to the information request.
4.2(d)	How has Imperial engaged with the K’ahsho Got’ine on progressive reclamation activities?	<p>As discussed in the Interim Closure Plan, Imperial undertakes progressive reclamation work at NWO. Progressive reclamation work occurs during facility operations (prior to final closure) to reclaim components or decommission facilities that no longer serve a purpose to minimize the duration of environmental exposure, enhance environmental protection and reduce future reclamation costs. It also provides valuable experience for testing the effectiveness of different measures and is anticipated to shorten the time required for achieving final closure activities.</p> <p>Imperial submits an Annual Closure and Reclamation Report, which includes summaries of all environmental assessment/monitoring</p>	Not answered – unclear if Imperial has engaged K’ahsho Got’ine outside the context of the SLWB’s approval process for the Water Licence	Imperial remains open to engagement and communication on this topic going forward. Imperial submits that it has fully and adequately responded to the information request in the response provided.

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		<p>activities conducted at NWO in the previous year and the expected work in the following year. These are submitted to SLWB and CER and are available on the Public Registry.</p> <p>Currently no parts of the site are planning to be closed in the near future. Imperial is assessing the site by completing Phase I and Phase II environmental site assessments. These assessments are in part gathering data which supports an understanding of the environmental site conditions across the NWO to assist with making plans for closure. These assessments are common on operating sites, especially larger ones and are part of being a responsible operator.</p> <p>Progressive Reclamation is an approved element of Imperial's Interim Closure and Reclamation Plan as a condition of the Type A Water License granted by to Imperial by the SLWB. Each year, the scope of planned Progressive Work is submitted to SLWB for review. A part of the SLWB's approval process for the Water License is to post the proposed License Terms for public review and comment during which the K'ahsho Got'ine would have been entitled to be a part of. As part of the generation of the ICRP, Working Groups were convened to address elements of the ICRP with community and government participants.</p> <p>As previously outlined, ICRP Working Groups, were conducted related to plans for Closure and Reclamation. Closure and Reclamation topics have also been reviewed during previous Neighbor Week visits, community meetings &amp; during portions of Chapter 9 meetings.</p> <p>Imperial anticipates that an Environmental Assessment ("EA") is an appropriate forum for review of the NWO final Closure and Reclamation Plan. The EA process will allow communities, stakeholders, regulators and governments to study and review aspects of the final closure plan. Regulatory agencies have been diligently working to understand how the existing MVEIRB EA process can meet the requirements of each regulator and facilitate meaningful engagement with communities in the Sahtu.</p> <p>Waste Management will be a key component of the Environmental Assessment ("EA") review of the NWO final Closure and Reclamation Plan.</p>		
4.2(e)	How has Imperial engaged with the K'ahsho Got'ine on planning for closure and reclamation?	Same as answer to Information Request 4.2(d) [see above]	Not answered – unclear if or how Imperial has engaged K'ahsho Got'ine on planning for closure and reclamation outside of the context of the SLWB's approval process for the Water Licence	<p>Imperial looks forward to advancing the closure planning process following the substantial completion of the OA and water licence renewal process.</p> <p>Imperial submits that it has fully and adequately responded to the information request as it relates to scope of this proceeding and the applications before the Commission.</p>
4.2(f)	How does Imperial intend to address K'ahsho Got'ine opposition to the proposed waste management facility?	Same as answer to Information Request 4.2(d) [see above]	Not answered – unclear how Imperial intends to address K'ahsho Got'ine opposition to the proposed waste management facility	Imperial does not propose a waste management facility as part of ongoing NWO or Replacement Activities. Imperial looks forward to advancing the closure planning process

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				<p>following the substantial completion of the OA and water licence renewal process.</p> <p>Imperial submits that it has fully and adequately responded to the information request as it relates to scope of this proceeding and the applications before the Commission.</p>
5.2	<p>What impact, if any, does the Norman Wells Operations have on natural seeps? Does the pressure caused by the Norman Wells Operations on the natural reservoirs increase the prevalence of natural seeps?</p>	<p>A summary document about Natural Seeps is in Section 5 of the 2013 Renewal Application for Water Licence S03L1-001.</p>	<p>Not answered - the more than decade-old document says that the impact of Norman Wells Operations on natural seeps is uncertain.</p>	<p>Imperial does not have any new conclusions it can provide with regards to the questions raised in this IR.</p>
6.1(b)	<p>Has Imperial considered funding Indigenous-led independent environmental monitoring and mitigation advisory programs to facilitate Indigenous guardianship and stewardship over the Norman Wells Operations? If yes, what initiatives are planned? If not, why not?</p>	<p>a) and b) Currently, Imperial uses two, third-party environmental companies that support the AEMP and other environmental and reclamation activities associated with the NWO permits. The contractor utilized for the AEMP and operational sampling is owned by a Sahtu land corporation and the other contractor is co-owned by four Sahtu land corporations. Both contractors are joint ventures with industry leading environmental consultants.</p> <p>Imperial's environmental consultants work with community members in training on proper sampling techniques during AEMP sampling in the various communities. Similar to 2023, TRSA will be AEMP sampling in Fort Good Hope and Norman Wells in the winter, spring summer and fall for AEMP V5. During these sampling events, Imperial's consultant can demonstrate proper surface water sampling techniques, sample preservation, laboratory paperwork and shipping to labs. Imperial encourages K'ahsho Got'ine through the K'ahsho Got'ine Foundation and RRC to participate in water sampling. There are ongoing meetings with K'asho Got'ine to develop the 5 Year Work Plan. Imperial continues to focus on facilitating Sahtu involvement in the AEMP field work to support the NWO.</p>	<p>Not answered - Imperial response contains no reference to considering funding Indigenous- led independent environmental monitoring and mitigation.</p>	<p>Imperial commented further on this topic through the response to draft conditions submitted on July 16, 2024<sup>2</sup>. The relevant portion of this response is reproduced for ease below.</p> <p>Imperial monitors the NWO in accordance with the plans and permits associated with the NWO. Imperial uses third-party, indigenous joint-venture environmental consultants and third-party certified and accredited laboratories to complete this monitoring, testing and analysis. Environmental consulting professional staff and companies are required to meet ethics and integrity standards by their governing professional associations. In addition, accreditation of laboratories is rigorous. These companies have the technical and professional skills to do this monitoring work and proponents funding of this work is industry standard.</p> <p>As mentioned in the evidence on the record to date, Imperial's third-party environmental consultant engaged the K'ahsho Got'ine Foundation for sampling around the Fort Good Hope area. This type of engagement is planned to continue and Imperial is interested in continuing community involvement in monitoring programs. Conditions should not be added that would necessitate Imperial funding a second monitoring program.</p> <p>Imperial provides funding to organizations in the Sahtu through the community investment programs and plans to continue these</p>

<sup>2</sup> Imperial Submission Regarding Intervenor Comments on Draft Conditions, ([C30715-2](#)) at PDF page 4.

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				<p>investments. Imperial recognizes the importance of incorporating Indigenous knowledge and local perspectives in our land use and biodiversity programs. Imperial is committed to continuing to work with the Guardians in water sampling and analysis exercises.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>
6.2(c)	<p>Does Imperial plan to share its annual production report, environmental report, safety report, well history report and well operations report with the K'ahsho Got'ine under its new Operations Authorization? Does Imperial plan to share all applications to the Chief Conservation Officer with the K'ahsho Got'ine under its new Operations Authorization? If yes, how? If not, why not?</p>	<p>Imperial follows the regulatory process for submissions and the regulator maintains a record of these documents.</p>	<p>Not answered - Imperial's response does not correspond to the question asked</p>	<p>Imperial commented further on this topic through the response to draft conditions submitted on July 16, 2024<sup>3</sup>. Review and stewardship of the OA and associated reporting should rest within the jurisdiction of the CER.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>
6.3(a)	<p>How many and which K'ahsho Got'ine businesses has Imperial engaged or contracted with for goods and/or services? How many and what Sahtu businesses has Imperial engaged or contracted with for goods or services?</p>	<p>a) to c) Imperial's submission of Additional Written Evidence on March 7, 2024 (AWE), provided additional details on the continued social and economic benefits of the OA Variance in Section 2.3. Section 2.3.3 of the AWE discusses Local Contractors. Sahtu Indigenous Companies that have provided services at NWO include:</p> <ul style="list-style-type: none"> <li>- Sahtu Canadian Helicopters</li> <li>- CANOL Oilfield</li> <li>- HSE Integrated</li> <li>- Mackey Expediting &amp; Logistics</li> <li>- North Wright Airways</li> <li>- SRP</li> <li>- TRS Advisian</li> <li>- Trumpeter</li> <li>- Tlegohti</li> <li>- HCI Leasing</li> <li>- HRN Contracting</li> <li>- K'ashe Gotine District Land Corp</li> <li>- McCoy</li> <li>- Norman Wells Claimant Corp</li> <li>- Sahtu Geomatics</li> </ul> <p>In 2023, the total percentage spend of Imperial's total goods and services procured from Indigenous owned Sahtu businesses was 29.4%.</p>	<p>Not answered - this answer does not distinguish between Sahtu and K'ahsho Got'ine businesses</p>	<p>Shareholder identification inquiries can be done via a corporate registry search or direct communication with the company. The KGC can confirm which businesses are related to KGC.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>

<sup>3</sup> Imperial Submission Regarding Intervenor Comments on Draft Conditions, ([C30715-2](#)) at PDF page 2-3.

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		In Imperial's AWE Submission, further information on the Sahtu beneficiaries employed at NWO was provided in section 2.3.2 Employment.		
6.3(c)	How many Sahtu Dene and Métis employees and K'ahsho Got'ine employees does Imperial currently have working at the Norman Wells Operations?	Same answer as to Information Request 6.3(a) [see above]	Not answered - AWE submission does not distinguish between Sahtu beneficiary employees and K'ahsho Got'ine employees.	<p>Imperial remains committed to providing opportunities for individuals from across the Sahtu region.</p> <p>Imperial has provided aggregate information regarding the number of employees to protect the privacy of individual Sahtu beneficiaries.</p> <p>Imperial submits that it has fully and adequately responded to the information request.</p>