

# Land and Water Boards of the Mackenzie Valley



## Notice of Intent to File a Claim for Water Compensation

Notifications must be received by the Board no later than the deadline indicated by the Board. This information can be found on the Board's [Online Review System](#) in the Item for Review for the Water Licence Application.

### 1. Information about the Application or File

Water Licence Application or file number(s) associated with this Claim:	S24L1-005
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### 2. Information about the Claimant

Claimant's Name (individual or group/association):	K'ahsho Got'ine Committee on behalf of the K'ahsho Got'ine of Fort Good Hope		
Group or Association legal entity:	K'ahsho Got'ine Committee, including the Fort Good Hope Métis Nation Local #54 Land Corporation, the Fort Good Hope Dene Community Council, the Fort Good Hope Renewable Resources Council, the K'ahsho Development Foundation and the Yamoga Lands Corporation		
Mailing Address:			
Email:		Tel.:	

### 3. Information about Eligibility

Please identify the category/categories that best describe your relationship with the waters that could potentially be affected by the proposed Licence activities.

Subsection 72.03(5) of the MVRMA or 26(5) of the <i>Waters Act</i>	(b)(ii)	Domestic users	x
	(b)(iii)	In-stream users	x
	(b)(iv)	Authorized users	

	(b)(v)	Authorized waste depositors	
	(b)(vi)	Persons who use waters or deposit waste (without a licence) under the territorial law	
	(b)(vii)	Persons referred to in paragraph 61(d) of the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> ,	
	(b)(viii)	Owners of property	x
	(b)(ix)	Occupiers of property	
	(b)(x)	Holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature	
Subsection 72.05(1) of the MVRMA or 28(2) of the <i>Waters Act</i>		Designated Inuit organization	
Section 77 of the MVRMA or 33 of the <i>Waters Act</i>		Sahtu First Nation	x
		Gwich'in First Nation	
Section 79.1 of the MVRMA		Tłjcho First Nation	

Please provide information regarding the nature of your use, the duration of your use, and extent of your use of the waters that could potentially be affected by the proposed Licence activities.

Please see Appendix A attached.

\*Attach any supporting documentation to this Form (i.e., leases, licences, land titles, etc.).

#### **4. Information about Potential Impacts**

Please describe how the proposed Licence activities could impact the water uses described above. Note that the Board cannot order compensation for past impacts, so your description must focus on the potential impacts that could occur in the future if the Licence is issued.

Please see Appendix A attached.

\*Attach any supporting documentation to this Form.

## APPENDIX A

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**QUESTION #1: Please provide information regarding the nature of your use, the duration of your use, and extent of your use of the waters that could potentially be affected by the proposed Licence activities.**

The K'ahsho Got'ine Committee submits this notice of compensation claim on behalf of the K'ahsho Got'ine of Fort Good Hope. The Committee consists of the Fort Good Hope Métis Nation Local #54 Land Corporation, the Fort Good Hope Dene Community Council, the Fort Good Hope Renewable Resources Council, the K'ahsho Development Foundation and the Yamoga Lands Corporation.

K'ahsho Got'ine are stewards of our territory and have protected our lands and waters, including the Mackenzie River, since time immemorial.

The Mackenzie River is situated in the heart of our territory. The community of Fort Good Hope, important cultural gathering places, the protected area Ts'udé Niljné Tuyeta, and many hunting, fishing, and cultural camps are located along the banks of the Mackenzie River.

The Mackenzie River is and has always been central to our way of life. K'ahsho Got'ine culture and spirituality is linked to our lands and waters, including the Mackenzie River. Brenda T'seleie Pierrot described the importance of the Mackenzie River to the K'ahsho Got'ine way of life in Oral Indigenous Knowledge Sessions held in Fort Good Hope in May, 2024 as part of the Canada Energy Regulator's Hearing Process (OH-001-2023). Brenda stated:

"I have a lot of respect for water, fire and our land. It's a living thing to me. We don't ever disrespect the water or fire or the land because this is our main source of life. We take care of our water, we take care of our land because that's where we get our food from. That's where we eat fish from. That's where our animals drink from. The river means a big -- it's a big issue to us."<sup>1</sup>

We rely on the Mackenzie River as our primary source of drinking water. In Fort Good Hope, water for the community reservoir is pumped and filtered from the Mackenzie River. In hunting and fishing camps located along the banks of the Mackenzie River, many people drink unfiltered water directly from the River.

We use the Mackenzie River for fishing, hunting, and harvesting and consume harvested foods from the Mackenzie River. In the same Oral Indigenous Knowledge Sessions held in Fort Good Hope in May, 2024, Chief Collin Pierrot stated that the "animals that swim and drink water and use the Mackenzie River, to raise their young... are the very same animals that we use to feed our young."<sup>2</sup>

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<sup>1</sup> CER Hearing OH-001-2023, Hearing Transcript Volume 1 at page 116, Filing ID: [C29702-1](#).

<sup>2</sup> CER Hearing OH-001-2023, Hearing Transcript Volume 1 at page 18, Filing ID: [C29702-1](#).

We also have constitutionally protected inherent Indigenous Rights and our *Sahtu Dene and Métis Comprehensive Land Claim Agreement*<sup>3</sup> Rights (“K’ahsho Got’ine Rights”) to our waters, lands, and practices thereon. Under the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, we have established rights, including a right to the substantially unaltered quality of the water in the Mackenzie River and a right to harvest and benefit from the full enjoyment of all species of wildlife within the Sahtu Settlement Area.<sup>4</sup> Many of our K’ahsho Got’ine Rights are exercised on and adjacent to the Mackenzie River.

**QUESTION #2: Please describe how the proposed Licence activities could impact the water uses described above. Note that the Board cannot order compensation for past impacts, so your description must focus on the potential impacts that could occur in the future if the Licence is issued.**

Imperial Oil Resources N.W.T. Limited’s (“Imperial”) has applied to renew its Type A Water Licence for the Norman Wells Operations to extend the term of the operations for an additional ten years. The Norman Wells Operations includes facilities on the mainland adjacent to the Mackenzie River and on three natural and six artificial islands within the Mackenzie River. The Norman Wells Operations also includes flowlines buried under the Mackenzie River carrying produced water, crude oil, and gas between the facilities.

The extension of the term of the Norman Wells Operations will contribute to cumulative effects which adversely impact our use of the Mackenzie River.

K’ahsho Got’ine have repeatedly expressed concerns about the health of the Mackenzie River including concerns about water quality, fish health, animal health, and human health.<sup>5</sup> K’ahsho Got’ine have also repeatedly shared Indigenous Knowledge about observed changes to the Mackenzie River including reduced fish populations,<sup>6</sup> changed animal migration patterns away from the Mackenzie River,<sup>7</sup> animal and fish deformities, increased oil seeps,<sup>8</sup> low water levels,<sup>9</sup> and dredging of the riverbed.<sup>10</sup> As a result of these impacts, K’ahsho Got’ine have limited our use of and exposure to the Mackenzie River by filtering river water or drinking bottled water,<sup>11</sup> preventing our children from swimming in the river,<sup>12</sup> limiting fishing, hunting, and harvesting on and near the river,<sup>13</sup> and limiting our consumption of harvested foods from the river.<sup>14</sup>

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<sup>3</sup> *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, online: <https://www.rcaanc-cirnac.gc.ca/eng/1100100031147/1543258621708#appa>.

<sup>4</sup> Section 20.1.8(a) and 13.4.1 of the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*.

<sup>5</sup> Hearing Transcript Volume 2 at pages 175, 179, 226-227, 257, 290, 295, 306, 316, 329-330, Filing ID: [C29693-1](#).

<sup>6</sup> Joseph Tobac, CER Hearing OH-001-2023, Hearing Transcript Volume 1 at page 33, Filing ID: [C29675-1](#).

<sup>7</sup> Chief Pierrot, CER Hearing OH-001-2023, Transcript Volume 1 at page 14-15 Filing ID: [C29675-1](#).

<sup>8</sup> Chief Pierrot, CER Hearing OH-001-2023, Transcript Volume 1 at page 21 Filing ID: [C29675-1](#).

<sup>9</sup> Aurora McNeely, CER Hearing OH-001-2023, Hearing Transcript Volume 2 at pages 253, Filing ID: [C29693-1](#).

<sup>10</sup> Chief Pierrot, CER Hearing OH-001-2023, Transcript Volume 1 at page 21 Filing ID: [C29675-1](#).

<sup>11</sup> Joseph Tobac at page 33, John T’seleie at page 63, Buddy Gully at page 75, CER Hearing OH-001-2023, Hearing Transcript Volume 1, Filing ID: [C29675-1](#), and Cara Manuel, CER Hearing OH-001-2023, Hearing Transcript Volume 2 at pages 329-330, Filing ID: [C29693-1](#).

<sup>12</sup> Buddy Gully, CER Hearing OH-001-2023, Hearing Transcript Volume 1 at page 77, Filing ID: [C29675-1](#).

<sup>13</sup> Bonny Kakfwi, CER Hearing OH-001-2023, Hearing Transcript Volume 2 at pages 257, Filing ID: [C29693-1](#).

<sup>14</sup> Joseph Tobac, CER Hearing OH-001-2023, Hearing Transcript Volume 1 at page 33 Filing ID: [C29675-1](#).

Centuries of land and resource development within the entire Mackenzie River watershed has adversely impacted the full exercise of K’ahsho Got’ine Rights, including the rights to drink, fish, hunt, harvest, and practice K’ahsho Got’ine culture on and adjacent to the Mackenzie River. However, the renewal of the water licence authorizing the continued operations at the Norman Wells Operations will contribute to the already existing adverse impacts to K’ahsho Got’ine Rights and use of the Mackenzie River for drinking water, fishing, hunting, harvesting, traveling, and engaging in cultural activities. K’ahsho Got’ine have expressed clear and specific concerns about the continued operations<sup>15</sup> and have indicated that there is no trust between K’ahsho Got’ine and Imperial.<sup>16</sup>

The extension of the term of the Norman Wells Operations also continues the potential risk of significant adverse impacts to K’ahsho Got’ine use of the Mackenzie River as a result of contamination caused by the Norman Wells Operations.

Any spill in or contamination that may occur during the extended term of the Norman Wells Operations as a result of a renewal of the Water Licence could seriously impact K’ahsho Got’ine Rights. The risk of spill or contamination is significant given the age of the facilities and the impacts 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,<sup>17</sup> which significantly impacted K’ahsho Got’ine trust in the water quality and ability to exercise harvesting rights in and adjacent to the Mackenzie River. Harvester and K’ahsho Got’ine Guardian, Twyla Edgi Masuzumi described the adverse impact of the spill as follows:

“[...] there was a spill that happened in Norman Wells where all of us had to pull our nets because we were scared what was going into the fish, and I've been seeing lately that there's more of these little white things that are coming on the guts. Like the guts are getting like so much little white lumps and stuff on their guts, and I'm seeing more of it happening lately. So it kind of makes me scared to work on fish and to feed my kids that. And it makes me sad that I have to restrict my kids Dene-Béré [Dene foods] because of things that are happening in the water.”<sup>18</sup>

In summary, the extension of the term of the Norman Wells Operations will likely contribute to cumulative effects which undermine the full exercise of K’ahsho Got’ine Rights on and adjacent to the Mackenzie River. The extension of the term of the Norman Wells Operations also continues the potential risk of significant adverse impacts to K’ahsho Got’ine use of the Mackenzie River as a result of a potential oil spill.

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<sup>15</sup> Darcy Edgi, CER Hearing OH-001-2023, Hearing Transcript Volume 2 at pages 191, Filing ID: [C29693-1](#).

<sup>16</sup> Cara Manuel, CER Hearing OH-001-2023, Hearing Transcript Volume 2 at pages 331, Filing ID: [C29693-1](#).

<sup>17</sup> CER Hearing OH-001-2023, Imperial Responses to K’ahsho Got’ine Committee Information Requests, Filing ID: [C29626](#).

<sup>18</sup> CER Hearing OH-001-2023, Hearing Transcript Volume 2 at page 174-5, Filing ID: [C29693-1](#).