



## THE SAHTU SECRETARIAT INCORPORATED

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March 24, 2024

Senator Mary Jane McCallum  
Member, Standing Senate Committee on Energy, the Environment  
and Natural Resources  
Senate of Canada  
Ottawa, ON

Dear Senator McCallum;

### **Re: Support for Bill C-226**

I am writing in my capacity as chair of the Sahtu Secretariat Inc (SSI), the regional land claim body in the central Mackenzie Valley of the Northwest Territories, to ensure you of our support for your efforts to bring about the passage of Bill C-226, *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice*.

SSI has long believed that while Canada's north can and should be a dependable source of non-renewable resources to support the Canadian economy, we regrettably have to note that while the many benefits from this development go to the south, the impacts remain in the north.

SSI is concerned with current planning by the federal government and a private developer that would see the waste from their operations remain in the north as the projects come to the end of their economic life.

The federal government has argued that much of the waste material from the abandoned mines on the eastern shore of Great Bear Lake should simply be placed in a "waste management facility" and left forever at the sites.

The community of Délı̄nę continues to oppose this approach as it is not consistent with the terms of a Governance Agreement signed between the community and Canada in 2022 which set as a vision that the sites would be remediated to a standard acceptable to the community. (copy attached)

The Norman Wells oilfield has been operating, in one form or another, for just over 100 years and during that time, Imperial Oil, and Canada as a one-third beneficiary from the production, have made billions of dollars in profits from the field.

The residents of the Sahtu Region have received what can only be described as a pitiable portion of that revenue and, in order to receive even that, had to sign a land claim agreement that required them to surrender title to vast areas of their traditional lands to Canada.

And yet, despite all those profits, Imperial Oil Resources, a subsidiary of ExxonMobil, clearly set out its preference for the treatment of the waste from the remediation of its Norman Wells oilfield in the company's notes from a public meeting in which it argued:

*“Imperial explained the impacts and downsides associated with transporting anything (in this case, soil) great distances by barge and over tundra, as well as the cost implications. Also noted that the waste was generated from Norman Wells Operations, and a made-in-the north solution is appropriate rather than expecting the south to accept the north's waste.”<sup>1</sup>(underline added)*

Senator, it is difficult to reconcile environmental justice with these planned actions by Imperial Oil and Canada. The South gets the money; we get the waste.

In closing, I encourage you to continue your efforts to have the legislation passed in the Senate and I look forward to working with you and others to advance the environmental rights of Indigenous people here in the Sahtu Region and throughout Canada.

Respectfully,



Charles McNeely  
Chair, SSI

cc SSI Board Members  
Senator Dawn Anderson

Ayoni Keh Land Corporation – Deline Gotine Government – Norman Wells Land Corporation – Fort Norman Métis Community – Tulit’a Land Corporation – Yamoga Land Corporation – Fort Good Hope Métis Local #54 Land Corporation.

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<sup>1</sup> Imperial Norman Wells Waste Management Facility – Norman Wells Engagement Summary, page 2 & page 6

# GREAT BEAR LAKE MINE REMEDIATION GOVERNANCE AGREEMENT

**Vision:** restoring the area to a physical state acceptable to the community of Déljñę and fully compliant with regulatory standards and direction; completing restoration in a manner that creates and leaves significant social, economic and cultural legacy benefits in the community and furthers the purposes of reconciliation.

**Guiding Principle:** the remediation program, or Project, will proceed at a scale and sequence consistent with the capacity and support of Déljñę and its potential partners and compliant with Treasury Board and federal policies and guidelines.

## Objectives:

### 1. Governance

The responsibility for remediation is:

- Jointly managed by the Government of Canada and the Déljñę Got'jñę Government through a formal government-to-government relationship as described in the Management Committee Terms of Reference (see Annex A);
- The Management Committee will provide broad strategic direction for the Project, and all major decisions regarding the remediation will be made by consensus of the two governments.

### 2. Environment

Sites are to be remediated to a standard that:

- Minimizes risk to downstream water quality;
- Eliminates exposure to all hazardous materials on-site (off-site disposal);
- Minimizes exposure to all non-hazardous foreign materials on-site, whether through on-site landfill or off-site disposal;
- Isolates exposed tailings from the environment through inert cover or revegetation;
- Supports the return of wildlife and fish to the region to as near pre-disturbance conditions as feasible; and
- Is consistent with the objectives of the Tsá Tué International Biosphere Reserve.

### 3. Economy

The process of remediating the sites is to:

- Build capacity (including training, equipment and infrastructure) in Déljñę to enable the community to participate in site remediation as fully as possible;
- Involve Déljñę residents and businesses in site remediation to the maximum degree possible given capacity constraints;
- Provide the greatest possible economic return to the community; and

- Leave legacy capacity in the community, including trained staff, residents and businesses, and equipment and infrastructure, that will enable the community to capture other economic opportunities.

#### **4. Culture**

Site remediation will be completed in a manner that restores the land to a state that is culturally acceptable to the community of Délįnę, enabling a return to traditional activities, healing and rebuilding relationships with the land.

To ensure that when the sites are remediated, residents will be and feel safe, secure and comfortable in resuming their traditional activities in the area, the community of Délįnę will be involved in setting remediation standards, undertaking remediation activities, monitoring remediation activities, conducting post-remediation inspections, and undertaking effects and compliance monitoring.

#### **5. Governance Structure**

Through the endorsement of this governance agreement, the Parties commit to fulfilling the following terms of participation. In addition to these terms, the Parties agree to pursue effective communication and leadership on project-related issues in a transparent and good-faith manner.

Each component of the governance structure entails participation by the Parties as described in each associated terms of reference. Participation at each level of the governance structure is critical to ensuring the success of this agreement.

The governance structure is comprised of:

##### **(a) The Remediation Management Committee (Terms of Reference – Annex A)**

The Remediation Management Committee is a forum for the Parties to jointly and equally participate in key decisions affecting all aspects of the Project. The committee will also monitor project performance to support continuous improvement of the project's processes, practices, and results.

The Remediation Management Committee is also a formal mechanism to support Crown-Indigenous Relations and Northern Affairs Canada in effectively discharging its responsibilities associated with the Project in the context of reconciliation.

##### **(b) The Operations Committee (Terms of Reference – Annex B)**

The Operations Committee is a forum for representatives of the Parties to provide support, assurance, and advice on the Project's environmental and operational aspects as it progresses through the planning and various design stages into full

remediation and post-remediation. Sub-committees of the Operations Committee may be formed by the Parties, as needed.

## 6. Dispute Resolution

The Parties agree to the following dispute resolution principles and process:

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- a. Good-Faith Discussions – The Parties will endeavour to resolve disputes through good-faith discussions or other informal means before moving the dispute to a formal resolution approach.
  - b. Dispute Resolution Register – Should resolution not be reached, the Parties will have the opportunity to register the dispute on the Dispute Resolution Register to elevate the dispute within the governance structure for resolution. The Register will contain agreed-upon facts of the dispute, a brief statement of the points of disagreement, and, if possible, options for resolution to be discussed.
  - c. Resolution – If a dispute cannot be resolved within the governance structure, it will be comprehensively documented and referred to the Minister of Northern Affairs and the ʔekw'ahtı́dé to resolve.
  - d. For greater certainty, nothing contained in this agreement or otherwise shall constitute a waiver or relinquishment of any rights and remedies of the Parties regarding any action arising out of this agreement under applicable law or in equity.

**Agreed:**

  
\_\_\_\_\_  
ʔekw'ahtı́dé Loo  
Délı́ne Got'ı́ne Government

Date: 2-23-21

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Serge Beaudoin, Assistant Deputy Minister  
Northern Affairs Organization  
Crown-Indigenous Relations and Northern Affairs Canada

Date: \_\_\_\_\_

## **Annex A: REMEDICATION MANAGEMENT COMMITTEE TERMS OF REFERENCE**

### **Purpose**

The Remediation Management Committee is established to set the Project's broad strategic direction and ensure that the Parties' responsibility for remediation is jointly overseen. All major decisions regarding the remediation program, including setting remediation standards, objectives and success criteria, and other elements of the Project, will be made by consensus of the two governments in accordance with the Vision, Principles and Objectives document. If consensus cannot be reached, then the matter will be referred to the dispute resolution process (see section 6 of Vision, Principles and Objectives).

### **Structure and Membership**

The Remediation Management Committee shall be composed of the following:

- **Déljñę Got'jñę Government**
  - ʔekw'ahtjǰé (co-chair), Déljñę Got'jñę Government
  - A representative of the Déljñę ʔq̄hda K'áowə Kə
  - A member of the Déljñę K'aowədó Kə
  
- **Crown-Indigenous Relations and Northern Affairs Canada**
  - Director General, Northern Contaminated Sites Program (co-chair)
  - Senior Manager, Contaminants and Remediation Division, NWT Region
  - Project Manager, Contaminants and Remediation Division, NWT Region

Observers may be invited to attend Remediation Management Committee meetings with the agreement of the Parties.

### **Scope**

The Remediation Management Committee shall undertake the following activities:

- Oversee and provide guidance on the overall delivery of the Project;
- Monitor project performance in accordance with the Project objectives;
- Ensure the Parties' interests are represented across all levels of the Project's governance structure; and
- Act as a dispute resolution mechanism for issues raised during Project execution.

To execute its responsibility, the Remediation Management Committee shall be provided with clear, concise and timely information from the Operations Committee on the Project's progress and performance measured against the key project documents.

## **Goals**

The Remediation Management Committee shall ensure that:

- The Project is progressing such that the sites are remediated to a standard acceptable to Déljñę;
- The Project is enabling Déljñę residents and businesses to benefit from the work, including but not limited to the following:
  - Training for local residents;
  - Preferential business contracting for local businesses;
  - Education opportunities in reclamation science and project management for qualified Déljñę students.
- The Project aligns with Federal/Territorial mandates and policies and industry best practice;
- There is continuous, ongoing, full and effective communication between the Parties, including providing a forum for regular discussion of:
  - Project governance;
  - Socio-economic benefits; and,
  - Effective communication and engagement strategies.

## **Guiding Principles**

Remediation Management Committee members will have full opportunity to voice their opinions and participate such that:

- Discussions will take place in the spirit of cooperation and recognition of the shared goals of reconciliation, sound environmental stewardship; and,
- Discussions and decisions will be made acknowledging the range of viewpoints from the Parties.

## **Meeting Procedures**

The Remediation Management Committee shall:

- Be co-chaired by the Déljñę Got'jñę Government and Crown-Indigenous Relations and Northern Affairs Canada;
- Meet a minimum of four times per year. Additional meetings may occur as agreed to by the Parties;
- Receive Executive and Secretariat support by Crown-Indigenous Relations and Northern Affairs Canada, including the tabling or distributing agendas, background documents, issue papers, and other documentation to the Committee well in advance of meetings; and
- Receive meeting minutes compiled and circulated by the Secretariat before meetings.

## **Roles and Responsibilities**

It will be the responsibility of each co-chair to ensure that groups, organizations, agencies, and departments within their area of responsibility are informed of the Remediation Management Committee's work and have an opportunity to provide input into that work.

It is the responsibility of all Remediation Management Committee members to attend the meetings, engage in meaningful discussions related to the Project, and report back to their respective organization(s)/constituents regarding all pertinent information. The Remediation Management Committee members will be responsible for respecting the confidentiality of all sensitive information, documents, and discussions shared in meetings.



## **Appendix B: OPERATIONS COMMITTEE TERMS OF REFERENCE**

### **Context**

Technical review and oversight are required to ensure that the Project's environmental and operational objectives reflect the views of Déljñę and ensure that remediation activities achieve those objectives and remain on track. Environmental and operational issues will be addressed through internal CIRNAC procedures and expertise, consultant expertise as required, regulatory bodies and a joint DGG-CIRNAC Operations Committee.

### **Structure and Membership**

The Operations Committee will be made up of the following:

- **Déljñę Got'jñę Government**
  - The lead technical representative of the DGG (co-chair)
  - A representative of the Déljñę ʔq̄hda K'áowə Kə
  - A member of the Déljñę K'aowədó Kə
  - An additional technical representative of the DGG
- **Crown-Indigenous Relations and Northern Affairs Canada**
  - Project Manager, Contaminants and Remediation Division, NWT Region (co-chair)
  - Up to three other CIRNAC representatives

Observers may be invited to attend the Operations Committee meetings with the agreement of the Parties.

CIRNAC will assign an Operations Committee Coordinator to act as the Operations Committee Secretariat

### **Purpose**

The Operations Committee will provide advice and recommendations on all environmental and operational aspects of the Project to the Parties. It will support engagement with Project partners on a consistent basis by providing relevant and timely project updates.

The Operations Committee will complete reviews to ensure that:

- The Project conforms with priorities, standards and scope as outlined in key project documents;
- The Project supports the overarching Vision, Principles and Objectives;

- Designs and plans are technically sound, achieve value for money and reflect the vision and values of Déljñę; and
- The Project aligns with Federal/Territorial mandates and policies, and industry best practices.

## **Scope**

The scope of work for the Operations Committee shall include, but not be limited to, the following:

### **Environmental and Operational Advice and Recommendations**

- Provide advice and recommendations, as requested, on environmental and operational aspects of the Project;
- Where requested, participate in additional technical workshops that may be scheduled from time to time; and
- Recommend and/or participate in special studies to support the Project design, as required.

### **Information Updates**

- Receive information updates from the project team on environmental and operational matters. These may include on-going site operations, construction implementation and monitoring; and
- Where appropriate, provide comments or recommendations related to information updates.

## **Procedures**

The Operations Committee will endeavour to meet monthly with additional meetings on an ad hoc basis, as necessary, to deal with issues and additional workload that may arise. Meetings will be held remotely and are expected to last no more than one hour; as appropriate, at least one annual face-to-face meeting will be held.

Documents will be shared with the Operations Committee with sufficient time for review ahead of scheduled meetings. This timing will change based on the complexity and size of documents requiring review.

Operations Committee members will review documents ahead of scheduled meetings and come prepared to discuss and provide recommendations where appropriate.

Agendas will be disseminated by the Coordinator at least one (1) week in advance of meetings. Draft minutes of the proceedings will be distributed to the Operations Committee by the Coordinator within one (1) week of the meetings. The Operations Committee members will review draft minutes within two (2) weeks of receipt. Final minutes will be shared with all parties.

Technical recommendations by the Operations Committee are arrived at by consensus. If the committee cannot achieve consensus, a technical briefing outlining the Operations Committee's considerations will be prepared by the Operations Coordinator for presentation to the Remediation Management Committee, which shall determine the appropriate option.

The Operations Committee is part of the broader governance structure. Should a situation arise within the Operations Committee that cannot be appropriately addressed through discussion within the Operations Committee or through the consensus process for technical recommendations noted above, these will be directed to the Remediation Management Committee for consideration and direction.