Mackenzie Valley Review Board

December 3, 2024
Nathan Baines
Imperial Oil Resources NWT Limited
P.O. Box 2480, Station M
Calgary, AB T2P 3M9

Via email:nathan.a.baines@esso.ca

RE: Decision on Request for Ruling – EA2425-02 (Norman Wells Operations)

Dear Mr. Baines

This letter outlines the Mackenzie Valley Environmental Impact Review Board's (Review Board) decision in response to Imperial Oil Resources NWT Limited's (Imperial) Request for Ruling, dated October 9, 2024, regarding the referral of the Norman Wells Operations' water licence renewal and operations authorization applications (the "Applications") to an environmental assessment. The Review Board is required to rule on this Request for Ruling, as per our Rules of Procedure.

The Review Board recognizes the significance of the Norman Wells Operations to Imperial, the town of Norman Wells, and the broader Sahtu region. It is essential to clarify that the Board's decision is strictly limited to addressing the specific legal and procedural issues raised in Imperial's Request for Ruling. The Review Board intends no harm to the interests of the town of Norman Wells, the residents of the Sahtu, or Imperial. Rather, our focus is on fulfilling our legislated mandate under the **Mackenzie Valley Resource Management Act (MVRMA)** and ensuring adherence to treaty rights under the **Sahtu Dene and Métis Comprehensive Land Claim Agreement (Sahtu Agreement).**

Please note that this letter is intended to provide a plain language overview of the Board's decision. If there is any discrepancy between the contents of this letter and the ruling, the information in the ruling prevails.

1. The Review Board's Decision

After careful consideration of all the submissions relevant to the Request for Ruling, the Review Board has determined that it will not reverse its decision to proceed with an environmental assessment of the Applications for the following reasons:

1. **Authority:** The Review Board has jurisdiction to consider Imperial's request and to interpret and apply relevant provisions of the MVRMA.
2. **Referral Authority:** Article 25.3.4 of the Sahtu Agreement, as implemented through section 126(2)(b) of the MVRMA, provides Sahtu Secretariat Inc. (SSI) a right to refer the Applications for an environmental assessment. Section 157.1 of the MVRMA does not override or limit this treaty right.

3. **Proposed Development:** The Applications constitute a "proposed development" under the MVRMA and are therefore subject to referral.
4. **Authority to make a determination under s. 157.1:** The Review Board has the authority to determine whether the Applications are exempt under s.157.1 of the MVRMA but is not required to make this decision.
5. **Duplicative Proceedings:** The referrals are not duplicative of processes before the Canada Energy Regulator (CER) or the Sahtu Land and Water Board (SLWB). The environmental assessment serves a distinct purpose under the MVRMA.
6. **Procedural Fairness:** Imperial has been provided a fair opportunity to make submissions during this process.

2. Context and Intent

The Review Board's decision is grounded in its statutory role to assess potential environmental and public impacts of proposed developments in the Mackenzie Valley and to respect the treaty rights of Indigenous communities. This includes SSI's referral authority under article 25.3.4 of the Sahtu Agreement.

The Review Board acknowledges the broader implications of its decision, particularly for the community of Norman Wells, the residents of the Sahtu region, and Imperial. The Review Board is deeply aware of the interconnectedness of this long-standing operation with the town's economy, local employment, and regional well-being. It is not the Review Board's intention to create additional challenges for these stakeholders. Instead, the Review Board's mandate requires it to focus on the environmental and socio-economic impacts of the Applications themselves, as referred by SSI.

3. Suggestion for Future Consideration

The Review Board recognizes the importance of addressing concerns surrounding the eventual closure of the Norman Wells Operations. This is a critical issue that may have significant environmental, social, and economic impacts on the town, the Sahtu region, and Imperial. To this end, the Board agrees with Imperial that a **comprehensive impact assessment of the closure and decommissioning of the Norman Wells Operations** may be a more appropriate mechanism to address the concerns of all parties. [1]

Such an assessment would provide a holistic understanding of potential long-term impacts, enabling all stakeholders to collaboratively plan for mitigation measures that balance environmental protection, economic stability, and community well-being. The Review Board encourages Imperial to explore this option in consultation with SSI, the town of Norman

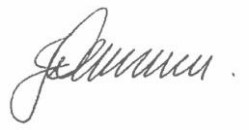
[1] Imperial Letter of Response to Parties Submissions

Wells, and other affected parties.

4. Conclusion

The Review Board thanks all the parties and Imperial for their submissions and engagement throughout this process. The decision to proceed with the environmental assessment is rooted in the Review Board's statutory obligations and treaty responsibilities. The Review Board remains committed to conducting the assessment in a fair, transparent, and efficient manner, ensuring that all voices are heard, and impacts are fully considered.

Should you have any questions or require further clarification, please do not hesitate to contact our office.
Respectfully,



JoAnne Deneron

Chairperson

cc.

Charles McNeely, Chairperson, Sahtu Secretariat Inc.

Board members, Sahtu Secretariat Inc.

Acting Grand Chief Michael Greenland, Gwich'in Tribal Council

Grand Chief Jackson Lafferty, Tłı̨chǫ Government

Paul Dixon, Executive Director, Sahtu Land and Water Board

Valerie Gordon, Chair, SLWB

Ramona Sladic, Secretary of the Commission, Canada Energy Regulator

Robert Jenkins, Deputy Minister, GNWT Department of ECC

Lisa Dyer, Director General, CanNor- Northern Project Management Office

Kim Pawley, Crown-Indigenous Relations and Northern Affairs Canada

Nathan Baines – Supervising Counsel, Imperial Oil Limited