Mackenzie Valley Review Board

EA2526-01

November 13, 2026

Notice of Proceeding

Closure and Reclamation – Imperial Oil's Norman Wells Facilities

Re: Application of Legislative Timelines for Environmental Assessments

1. Background and Procedural Context

For the purposes of the Mackenzie Valley Environmental Impact Review Board's (the Review Board) environmental assessment (EA) of the proposed closure of Imperial Oil Resources N.W.T. Limited's (Imperial Oil) Norman Wells Facilities, the Review Board has determined that the **legislative timeline applicable to the Review Board's EA process is currently paused. The legislative timelines will resume when Imperial Oil submits a sufficiently developed draft final closure plan (the Draft Final Closure Plan)** that provides an adequate project description from which the scope of the EA can be established. The sufficiency of the Draft Final Closure Plan will be determined by the Review Board.

In making this determination, the Review Board considered Imperial Oil's proposed sequencing of the EA in its request to the Review Board to order an EA, and the legislative timelines under Part 5 of the *Mackenzie Valley Resource Management Act* S.C. 1998, c. 25 (the MVRMA).

Consistent with subsection 126(2.4) of the MVRMA, the period taken by Imperial Oil to provide information required by the Review Board is excluded from the calculation of the applicable legislative timeline.

2. Rationale for Determination

In making this determination, the Review Board is exercising its authority to manage the conduct of the EA in a manner that is consistent with Part 5 of the MVRMA and the principles of procedural fairness.

When Imperial Oil requested the EA, it acknowledged that the Draft Final Closure Plan remained under development and requested that the Review Board establish an appropriate sequence for the EA (PR#1). On April 25, 2025, the Review Board issued its Reasons for Decision to order the EA (PR#6). In its decision, the Review Board recognized that there was sufficient information to conclude that an EA was required, but insufficient information from

which to establish the scope of the assessment.[1] **This is the basis for the Review Board's determination that the period required for Imperial Oil to provide the necessary information would be excluded from the legislative timeline, effectively pausing the Review Board's legislative timeline.**

The legislative timelines under Part 5 of the MVRMA govern only the Review Board's conduct in an EA. Specifically, those timelines govern the Review Board's assessment of a proposed development, and subsection 128(2.4) expressly states that if the Review Board requires a proponent to provide information, then the period of time that is taken by the proponent to provide that information is not included in the calculation of time limits. Importantly, the period of time taken by the proponent to provide such information is determined by the Review Board.

In this proceeding, the Draft Final Closure Plan is, for all practical purposes, the proposed development that will be assessed. Until that Draft Final Closure Plan is sufficiently developed, the Review Board cannot adequately establish the scope of the EA because it cannot determine with certainty what development is being assessed. Therefore, the Review Board requires the Draft Final Closure Plan as information pursuant to section 128(2.4) of the MVRMA, thereby rendering the time required by Imperial Oil to provide such information to be in the calculation of the time limits imposed on the Review Board pursuant to Part 5 of the MVRMA.

Applying the legislative timelines while Imperial develops its Draft Final Closure Plan would, in effect, require the Review Board to expend its statutory assessment time while the project proposal itself is still being developed. This is not the purpose of the legislative timelines. The Review Board considers that the statutory exclusion recognizes the distinction between the time required by a proponent to provide necessary information and the time available to the Review Board to conduct its assessment.

3. Preparatory work completed to date

The work undertaken since the EA was ordered has focused on matters that do not depend upon a Draft Final Closure Plan, including jurisdictional and procedural matters, coordination with responsible authorities, engagement with Indigenous governments and communities, and development of the Environmental Assessment Framework.[2] These activities will help the Review Board and parties prepare for later stages of the EA, but do not establish the

[1] This determination was further described in PR#47 on EA Process and Next Steps.

[2] Some of this work was conducted as joint activities with the Imperial Operations EA (EA2425-01) which was cancelled upon request from the Developer

scope of the proposed development. This work will continue, as appropriate, while Imperial Oil prepares the Draft Final Closure Plan.

4. Conclusion and next steps

The Review Board concludes that the period taken by Imperial Oil to provide the information required by the Review Board, including a sufficiently developed Draft Final Closure Plan, is excluded from the calculation of the applicable legislative timeline pursuant to section 128(2.4) of the MVRMA. The sufficiency of the Draft Final Closure Plan will be determined by the Review Board, having regard to its responsibilities under section 117 of the MVRMA and the information required to establish the scope of the proposed development.

If the Review Board determines that additional information is required, it will identify the outstanding information and communicate this to Imperial Oil and parties. The Review Board will determine when the information requirement has been sufficiently met and advise the parties when the applicable legislative timeline resumes.

The Review Board expects Imperial Oil to provide the Draft Final Closure Plan as soon as reasonably practicable and to keep the Review Board informed of its progress in preparing the plan.

In the interim, the Review Board will continue appropriate preparatory activities, including coordination with responsible authorities, engagement with Indigenous governments and communities, and development of the Environmental Assessment Framework.

The Review Board considers this approach to be consistent with the purposes of Part 5 of the MVRMA. It ensures that the statutory timelines are devoted to the Review Board's assessment of a defined development, rather than to an interim period whereby the Review Board is awaiting pertinent details and information on such development. This approach also supports meaningful participation by Indigenous governments and communities, responsible authorities and other parties by ensuring that the EA proceeds based on an adequate project description. This approach provides procedural clarity to all parties, promotes procedural fairness, and supports an efficient and well-informed environmental assessment.

5. Contact and follow up information:

To provide input or ask questions please contact: Melissa Pink, Senior Environmental Assessment Advisor at mpink@reviewboard.ca, 867-766-7052 or Simon Toogood, Senior Environmental Assessment Advisor at stoogood@reviewboard.ca, 867-766-7053.