



Canada Energy
Regulator

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du Canada

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File OF-EP-OA-I047-1210 31
16 August 2023

John Gregory
Conventional Operations Superintendent
Imperial Oil Resources N.W.T. Limited
750 Mackenzie Drive Bag 5000
Norman Wells NT X0E 0V0
Email john.c.gregory@exxonmobil.com

Nathan Baines
Senior Legal Counsel
Imperial Oil Ltd.
Email nathan.baines@exxonmobil.com

Dear John Gregory and Nathan Baines:

Imperial Oil Resources N.W.T. Limited – Anticipated Application(s)

The Canada Energy Regulator (**CER**) is in receipt of a letter from Imperial Oil Resources N.W.T. Limited (**Imperial**) dated 28 July 2023 ([C25960](#)), regarding its plans to apply to the CER for the continuation of its Norman Well Operations (**NWO**) following the expiration of the current Operations Authorization 1210-001 (**OA**) on 31 December 2024 (**Application for Continued Operations**). Imperial's 28 July 2023 letter was filed publicly on the CER website and generally includes the information required by the [Transparency Guidelines](#).¹ Accordingly, the CER will treat the 28 July 2023 letter as a Project Description for Imperial's Application for Continued Operations.

Application Timing

Imperial concluded its letter by noting that it will “wait to receive further correspondence from the CER on this matter before filing any application to address the expiration of the OA”. Imperial is strongly encouraged to submit its Application for Continued Operations as soon as possible. The CER cautions Imperial against awaiting direction regarding who Imperial should apply to, or the grounds on which any application should be based. It is up to Imperial to submit its Application for Continued Operations as it deems appropriate, in a timely way.

This preliminary correspondence from the CER in advance of Imperial's Application for Continued Operations is intended as supplementary guidance in light of the changes to the relevant legislation since the issuance of the current OA. The CER is taking these steps to ensure that it has adequate time to appropriately consider Imperial's Application for Continued Operations, prior to expiration of the OA next year.

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¹ Canada Energy Regulator Transparency Guidelines for *Information under the Canada Oil and Gas Operations Act* (March 2016) (**Transparency Guidelines**)

Relief Requested

Imperial submitted that it is not necessary to apply for a re-issued or renewed OA under paragraph 5(1)(b) of the *Canada Oil and Gas Operations Act (COGOA)*. Rather, Imperial advised that it intends to apply for a variation of the expiration date of the existing OA under subsection 5(6) of the COGOA and section 383 of the *Canadian Energy Regulator Act*. No requested changes to the terms and conditions of the OA are anticipated.

The CER requests that Imperial provide a clear explanation in its Application for Continued Operations as to how subsection 5(6) of COGOA, which provides for variations to the conditions of existing authorizations, would apply to a variation of the term of the existing OA. In the alternative, the Application for Continued Operations should clearly note what further or other provisions or authorities Imperial relies on, for the specific relief sought.

Public Concern

In its letter of 28 July 2023 Imperial provided its view, based on recent engagement with Indigenous Peoples and organizations, and other stakeholders, that Imperial's Application for Continued Operations is "not likely to be a cause of significant public concern."

The CER notes that under its guidance documents, a consideration of the likelihood of "significant public concern" is relevant to various assessments regarding Imperial's Application for Continued Operations, including to determine the appropriate decision maker² and to determine whether to conduct a public hearing.³ The CER notes that Imperial's 2014 application for the current OA was privileged, and not publicly available in accordance with the legislation at that time. As such, it is of particular importance for the CER to determine the level of public concern in relation to the current Application for Continued Operations.

In order to assist the CER in developing an appropriate and timely regulatory process, the CER requests that **Imperial serve the attached Notice and Statement of Concern Form on all Indigenous Peoples and organizations, and other stakeholders in the area surrounding the NWO, on or before 23 August 2023.**

By **28 August 2023**, Imperial is requested to efile with the CER confirmation that service was completed by the deadline above and the list of interested Indigenous Peoples and organizations, and other stakeholders served.

Parties served will then have until **22 September 2023** to file their completed forms with the CER.

This comment process will allow the CER to adequately assess the level of public concern and ensure both the appropriate decision maker and hearing process can be identified at the earliest possible date. Imperial's 28 July 2023 letter, together with any comments filed in response to this letter will be filed on the CER online registry (REGDOCS) and submitted to

The Chief Conservation Officer is required to refer applications to the Commission to allow it to consider withdrawing the delegation of decision-making authority where the Chief Conservation Officer determines that the application is likely to be a cause of significant public concern. See Record of Decision – Delegation of powers under the *Canada Oil and Gas Operations Act* and the *NWT Oil and Gas Operations Act* (File: Ad-GA-ActsLeg-Fed-COGOA 01) (17 August 2020)

³ The Transparency Guidelines note that the CER will use the Project Description to make an early determination as to whether a hearing should be held under section 5.331 of COGOA.

the ultimate decision maker.

If you have any questions regarding the matters above, please contact Zoe Pfeiffer, Director, Facilities Adjudication, Central North, by email at zoe.pfeiffer@cer-rec.gc.ca or by phone at 403-701-6946.

Yours sincerely,

Signed by

Michael Van Appelen
A/VP, Energy Adjudication

Attachment

c.c. Jaclyn Mersereau, Environment and Regulatory Technical Lead, Imperial,
email, jaclyn.mersereau@esso.ca
Iain Colquhoun, Chief Conservation Officer, Canada Energy Regulator,
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