



Mackenzie Valley Environmental Impact Review Board

FORM 2

Request for Ruling

Name of Proceeding

EA2223-01 - Imperial Norman Wells Operation - Waste Management Facility

TAKE NOTICE that a Request for Ruling will be made to the MVEIRB by

Imperial Oil Resources NWT Ltd.

(name of party making the Request)

at 2pm (time) in Calgary (place), Alberta,

on the 5th (day) of August (month), 2022 or as soon after that time as the Board may decide to address the Request.

The Ruling requested from the MVEIRB is as follows:

(State the relief sought as clearly as possible)

Please see attached letter.

The facts or information relevant to this Request for Ruling and which should be considered by the MVEIRB are as follow: (State the information relevant to the Request in as much detail as needed)

Please see attached letter.

The authority or grounds for the Ruling which should be considered by the MVEIRB is as follows: (State the Rules or any law or enactment relied on and the grounds for the Ruling).

Please see attached letter.

AND FURTHER TAKE NOTICE that in support of this Request for Ruling the following documents or information have been attached
(Set out all materials to be used to support the Request).

Please see attached letter.

Dated at Calgary, Alberta, on (MM/DD/YY) 08/05/22

(Signature of Party's Representative)

Tim Myers
Partner
Direct Line: 403.298.3671
e-mail: myerst@bennettjones.com

August 5, 2022

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102 – 50th Avenue
Yellowknife, NT X1A 2N7

Attention: Mr. Mark Cliffe-Phillips
Executive Director

Dear Sir:

Re: Imperial Oil Resources NWT Ltd. ("Imperial")
Application for Amendment to Norman Wells Operation Water Licence S13L1-007 to
Include a Waste Management Facility (the "Application")
Environmental Assessment EA2223-01 (the "EA Proceeding")
Imperial Written Request for Ruling on Adjournment of EA Proceeding

A. Introduction

1. We act for Imperial in connection with the above noted matter. Pursuant to sections 11 and 46 of the *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings* (the "**Rules**"), and section 30 of the *Mackenzie Valley Resource Management Act* ("**MVRMA**"), Imperial respectfully requests that the Mackenzie Valley Environmental Impact Review Board (the "**Review Board**") issue a ruling:

- (a) adjourning the EA Proceeding, and extending all existing procedural deadlines, for a period of two (2) months; and
- (b) providing such further and other relief as the Review Board may determine is appropriate.

2. In addition to the foregoing, Imperial respectfully requests that the Review Board issue the requested ruling as expeditiously as possible, as it is empowered to do under section 30(1)(a) of the *MVRMA* and section 49 of the *Rules*.

B. Background

3. Imperial filed its Application with the Sahtu Land and Water Board ("**SLWB**") on July 31, 2020, and filed supplementary Application materials with the SLWB on September 30, 2021.

4. On May 25, 2022, Imperial's Application to the SLWB was referred to the Review Board for an environmental assessment by the Sahtu Secretariat Incorporated.
5. On July 19, 2022, the Review Board issued a Notice of Proceeding for scoping phase activities within the EA Proceeding (the "**Notice of Proceeding**").¹ Among other things, the Notice of Proceeding explained that the Review Board would issue information requests ("**IRs**") to Imperial and other interested parties, hold community scoping meetings, and conduct a one-day scoping hearing following the community scoping meetings.
6. On July 22, 2022, the Review Board issued a total of six IRs, two of which are addressed to Imperial and other interested parties, and four of which are addressed to Imperial only. Other interested parties must respond to IR #1 by September 20, 2022, with Imperial's response to IR #1 being due on September 27, 2022. Imperial's responses to all other IRs are due August 31, 2022.
7. At present, Imperial understands that the Review Board has scheduled community scoping meetings with two communities on September 6 and 8, 2022, respectively.
8. The Review Board has not yet set a date for the one-day scoping hearing.

C. Grounds for Relief Sought

9. The within adjournment request is based on the following grounds which, in Imperial's submission, are reflective of the parties' respective needs, and support the Review Board granting the ruling requested herein:
 - (a) Imperial will not be in a position to respond to certain of the Review Board's IRs by the established deadlines where they seek information that: (i) extends far beyond the scope of the Application and the applied-for Waste Management Facility ("**WMF**"), and (ii) relates to the details of closure for the Norman Wells Operation which are not yet defined. In this regard, Imperial submits that, pursuant to section 128(2.4) of the *MVRMA*, the additional time resulting from the requested adjournment would be excluded from the calculation of time within which the Review Board is required to conduct the EA Proceeding;
 - (b) The requested adjournment will provide additional time for Imperial to progress its internal review of certain of the items raised in the IRs and further engage the local communities and the Review Board to clarify the process, objectives, and timing, which Imperial submits will result in increased efficiencies once the EA Proceeding resumes;
 - (c) The requested adjournment will avoid conflict between the scheduled community scoping meetings and the timing of culturally significant traditional activities to be undertaken by members of local communities on the land. In addition, key representatives of Imperial are not available to attend the community scoping meetings that have already been scheduled for September 6 and 8, 2022, such that the requested adjournment will provide Imperial with an opportunity to provide the Review Board

¹ [Notice of Proceeding – Scoping Phase](#).

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with input into the scheduling of those meetings at later dates. Based on Imperial's understanding that it would be invited to participate in all community scoping meetings to deliver presentations regarding the WMF and to hear the views of local communities with respect to the WMF and the appropriate scope of the EA Proceeding, it is important that Imperial be included in the planning of these meetings, and that they be scheduled on dates that are feasible for all involved parties; and

- (d) The requested adjournment will provide local communities with additional time to review Imperial's proposal prior to attending the community scoping meetings and the scoping hearing.

10. In Imperial's submission, the relief sought herein will not result in prejudice to any other parties and, instead, will result in a more efficient and coordinated process and facilitate a better understanding of the relevant issues by all parties to the EA Proceeding.

D. Relief Requested

11. The relief requested by Imperial is set out in paragraphs 1 and 2 above.

12. If there are any questions or if the Review Board requires any further information at this time, please contact the undersigned. Imperial appreciates the Review Board's consideration of the foregoing.

Sincerely,

BENNETT JONES LLP



Tim Myers

cc: C. Foster, J. Mersereau, and Z. Allidina, Imperial Oil Limited
T. Machell, Bennett Jones LLP