

## Reviewer Comments and Proponent Responses

**Project: Imperial Oil's Line 490 Replacement Project**  
**Board: Mackenzie Valley Environmental Impact Review Board**  
**Proponent: Imperial Oil Resources N.W.T. Limited**

**File Number: EA2425-01**  
**Review Comments Due: November 6, 2024**  
**Proponent Responses Due: November 13, 2024**

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Deline Got'ine Government - Todd Slack				
1	Scope of Assessment	Scope of Assessment - Themes	The Délı̄ne Got'ı̄ne Government (DGG) has reviewed the Draft Scope of Assessment and notes that 'primary issues' being considered do not entirely align with the issues SSI raised about the project. Section 3 of SSI's September 24th letter highlights concerns about the lack of local benefits, an issue that clearly falls within the Review Board's responsibilities. As the Board states, Section 15(b) of the Mackenzie Valley Resource Management Act (MVRMA) calls for the "Protection of the social, cultural, and economic well-being of residents and communities in the Mackenzie Valley." Not specifically including social benefits as a main point overlooks one of SSI's core reasons for referring the project to Environmental Assessment.	Imperial has commented on and committed to providing local benefits as part of the Line 490 project during the CER hearing. These commitments and the associated conditions issued by the CER would be binding on the replacement project. Imperial has included a separate letter as part of the reply to the draft documents which contains a table recommending additional relevant documents from the CER hearing process that may provide further context for the Board's decision.
2	Workplan	Missing analysis phase	The Délı̄ne Got'ı̄ne Government (DGG) reviewed the Draft Workplan and notes that there is no 'analysis phase' as part of the proposed process. Since SSI's initial concern is about Horizontal Directional Drilling (HDD), it would make sense for the Environmental Assessment to include a technical review of this relatively new technique during an analysis phase. Although HDD has been reviewed in other regulatory settings (such as by the Canada Energy Regulator and the Sahtu Land and Water Board), SSI clearly felt that this matter had residual concerns to be considered MVEIRB (see section 1 of SSI letter of Sept. 24th), necessitating the referral of the project to EA. The workplans should include an opportunity to address these concerns and the use of an abridged, shortened EA may not allow full and proper review of SSI's concerns.	Please see the letter submitted with these replies for Imperial's request that the Board ask other relevant regulators to provide context from their records that may impartially demonstrate the realistic risks of HDD and past experiences with this technology.
3	Workplan	Timelines	DGG's final concern is largely procedural. The EA workplan features significant workloads during December. In Délı̄ne, this is a time for rest, reflection, and time with family. Government operations are heavily restricted during the second half of the month. The same is true of other governments.	Please see the submitted letter.

			ts and organizations in the Territory. We ask that major steps like intervention drafting and hearing preparation are scheduled to recognize the reality of government operation during this period. DGG is aware of the timeline constraints faced by the proponent. However, this pressure is one of the proponents making. They had been encouraged, including by DGG, to seek permits in a manner to avoid situations precisely like what they find themselves in. To shift the response burden onto community governments with their own schedules and limited capacity is not acceptable. The proponent was entirely aware, and repeatedly warned, about the risk associated with late regulatory filings.	
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No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston				
1	Letter Attached	Notice of Proceeding EA2425-01, Line 490 Replacement Project, Imperial Oil Resources N.W.T. Limited	Please see the attached letter.	Thank you for your review.
2	Draft Workplan	The GC understands that the draft workplan with timelines extending to March 2025 is intended to make efficient use of time and evidence that is already available related to the Project. As a result, neither a Terms of Reference nor a Developer's Assessment Report will be developed as part of this environmental assessment process as the Board intends to rely in part on existing information.	The GC requests clarification on when the Board intends to have all relevant information posted on the Registry, including documents from the Canada Energy Regulator and the Sahtu Land and Water Board.	Imperial notes the question is directed to the Board.
3	Draft Workplan	The workplan notes that information requests to the developer will be accepted in November 2024 with responses anticipated in the same month.	The GC requests clarification on how long the Board anticipates the commenting period will be once all the relevant documents have been posted on the Registry.	Imperial notes the question is directed to the Board.
4	Draft Scope of Environmental Assessment	The GC recognizes that the Board considered information from Imperial Oil's applications for the Project to the Sahtu Land and Water Board (S24A-005 and S24L1-002), the Canada Energy Regulator (OA 1210-001) and related public review processes. Although there are some unknown impacts around the rehabilitation of the Goose and Bear Islands, the GC anticipates these impacts will be assessed in the scope of the environmental assessment set by the Board.	Please confirm.	Rehabilitation plans for the HDD work areas and the pipeline right of way are described in the project application documents and the subsequent answers to comments provided by Imperial to the SLWB for S24A-005 and S24L1-002 via the Online Review System. ( <a href="https://new.onlinereviewssystem.ca/review/A4248E1C-891F-EF11-86D2-000D3AE8C3E0">https://new.onlinereviewssystem.ca/review/A4248E1C-891F-EF11-86D2-000D3AE8C3E0</a> )

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Yamoga Land Corporation - Joseph Tobac				
1		See attached letter		Thank you for your review.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT - Environment and Climate Change - Diane Marin				
1	1.3 Reasons for referral: Economic Benefits and Opportunities	The reasons for referral include "the lack of economic benefits and opportunities related to this project;" however, the scope of the assessment does not include this topic in the list of primary issues	The Government of the Northwest Territories (GNWT) recommends the MVEIRB determine whether to include economic benefits and opportunities within the scope of this focused assessment.	Imperial notes the question is directed to the Board and adds the following context. Imperial has commented on and committed to providing local benefits as part of the Line 490 project during the CER hearing. These

		ues and there is no list of other issues.		commitments and the associated conditions issued by the CER would be binding on the replacement project. Please see Imperial's letter submitted with this reply outlining the limited nature of this project and the potential economic benefits at risk should production from the full field not be restored without a Line 490 replacement. Imperial submits that no new information that has not already been submitted to the public records of the CER and SLWB ought to be necessary to the extent economic benefits are considered.
2	2.2 Scope of assessment: List of Issues	There is only a list of primary issues, which could lead to uncertainty about the extent to which other issues will be considered or included.	For clarity, the use of the word "primary" should be addressed. Possible options include: 1) Either a list of secondary or supplementary topics should be added or the word "primary" removed. 2) Include text to indicate how other issues are addressed in the scope of the assessment.	Imperial notes the question is directed to the Board.
3	2.2.1 Cumulative effects	The proposed Scope of EA states that "For this assessment the consideration of cumulative effects will include, at a minimum, the potential contribution of the Line 490 Replacement Project to the cumulative effects of past, present, and reasonably foreseeable future activities, at the Norman Wells Operations and downstream." The GNWT notes that the MVRMA requires the Review Board to consider "any cumulative impact that is likely to result from the development in combination with other developments," but is concerned that the above statement could, theoretically, result in an EA for Line 490 Replacement Activities that considers Imperial Oil's Norman Wells Operations (N.W.O.) that could duplicate elements of a separate EA of the entire N.W.O.	The GNWT recommends that the Review Board consider if there are aspects of the scope that could lead to overlap if/when the entire N.W.O. proceeds through EA, and consider how best to minimize duplication between the Line 490 EA and any other EA related to the Norman Wells Operations while also meeting the cumulative impact assessment requirements of the MVRMA. The GNWT recommends that the Review Board consider whether to focus the scope on the technical/biophysical impacts of the Line 490 Replacement development.	Imperial notes the question is directed to the Board and adds the following comment. Imperial understands the intent described within the Draft Scope is to focus on the potential impacts of the HDD replacement activity, and not the operation of the previously assessed and approved existence of Line 490 and production from the field. The possible cumulative effects from the use of HDD are limited in scale of time and area.
4	Draft Workplan (PR #27)	The GNWT notes that the proposed timelines for the various process steps are quite general.	The GNWT requests that the Review Board provide additional detail about the timing and location of the process steps as the EA proceeds.	Imperial notes the question is directed to the Board.
5	Draft Workplan (PR #27)	The draft workplan includes an EA start-up meeting before the public review of the draft scoping document. The GNWT notes that this meeting has not yet occurred.	The GNWT recommends that the Review Board hold the EA start-up meeting before the Information Request phase to allow parties to the EA an opportunity to understand the proposed project and the scope of environmental assessment.	Imperial has no objection to this recommendation.
6	Draft Workplan (PR #27)	While the GNWT is supportive of an efficient process, the timelines proposed in the Review Board's draft work plan appear overly ambitious and optimistic. For example, in November, the Review Board is proposing to finalize the scoping document, send out information requests, and receive responses to IRs.	The GNWT recommends that the Review Board revise the workplan to build in sufficient time for the EA process, while respecting participants' capacity to participate effectively.	Imperial notes the question is directed to the Board and has commented in the submitted letter.

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
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1	Economics associated with restarting production	Draft Scope of Environmental Assessment, p. 1, Introduction, first paragraph, "Once completed the Project will allow for continued oil and gas production from approximately a third of the production field at Imperial's Norman Wells Operation that was halted when a flowline failed in 2022." The current scope does not include socio-economic assessment.	Please include an assessment of the economic benefits from opening up 1/3 of the production of the oilfield, including food security as a valued component based on impacts to food resources on Goose and Bear Island from reopening production and to fish in the Mackenzie River from the HDD activities.	The resumption of 1/3 of production returns operations to the state of production as prior to June 2022. Through the CER OA Variance regulatory proceeding, Imperial has provided socio-economic information on the record. Imperial notes that the scope of the EA is directed for the Board to consider. Imperial has no further comment other than what has been provided in our letter submission on November 13, 2024.
2	SLWB and CER applications not scoped for EA	p. 1, Section 1.1. Purpose, second paragraph states, "The proposed scope of development and assessment in this document is based on information provided by the developer in its applications to the Sahtu Land and Water Board (SLWB) for a land use permit and water licence, and to the Canada Energy Regulator (CER)." The SRRB notes that the applications to the Sahtu Land and Water Board (SLWB) for a land use permit and water licence, and to the Canada Energy Regulator (CER) were not applications to fulfill the information requirements for an environmental assessment and are narrowly focused on the permit and authorization renewals only and that the written hearing process of the CER may have created capacity barriers for Sahtu co-management organizations to fulsomely engage in the CER hearing process, this includes submissions of oral indigenous knowledge, meaning not all concerns of all Sahtu beneficiaries may be represented in the existing documentation.	It is recommended that the MVEIRB communicate the evaluation criteria applied by the MVEIRB to determine that the information submitted to the SLWB or CER registries sufficiently represents the concerns of Sahtu beneficiaries with respect to the environmental assessment scoping requirements under the MVRMA.	Imperial notes the comment is directed to the Board. In the Imperial response letter (November 13, 2024), a request was made to incorporate the concerns raised and responses provided within the CER's Line 490 hearing process. A summary table was provided to the Board, containing the concerns raised that specifically relate to the Line 490 project with links to the CER's publicly available document registry. We are also supportive of the Board including comments received through the Line 490 ORS process. Please see the links below. <a href="https://new.onlinereviewssystem.ca/review/A4248E1C-891F-EF11-86D2-000D3AE8C3E0">new.onlinereviewssystem.ca/review/A4248E1C-891F-EF11-86D2-000D3AE8C3E0</a> <a href="https://new.onlinereviewssystem.ca/review/49FF073D-BF6F-EF11-BDFD-000D3A84680C">new.onlinereviewssystem.ca/review/49FF073D-BF6F-EF11-BDFD-000D3A84680C</a>
3	Include alternative means assessment of existing pipelines management	P. 1, Section 1.2 Background states, "Imperial is proposing to replace an approximately 1050 meter long section of piping associated with the Line 490 corridor, under a portion of the Mackenzie River, that failed in 2022. This resulted in the release of produced water into the Mackenzie River." The scope does not include an assessment of the impacts of leaving the failed pipelines in place.	Please include an assessment of alternative means of managing the legacy of the failed pipeline during the Line 490 replacement and an assessment of potential environmental effects of leaving the pipeline in place.	Final decisions regarding abandonment-in-place or removal of the existing flowlines will be made as part of the closure process in consultation with Sahtu communities as well as local, Territorial and Federal stakeholders. The scope of this application does not include closure plans of the facility. With respect to the existing line 490, the steel flowline has been purged, cleaned with fresh water, dried and left with air. The line has been blinded at both ends.
4	Additional primary issues	p. 3, Section 2.2 Scope of assessment, last paragraph lists the following as primary issues: <ul style="list-style-type: none"> <li>• impacts to water quality and quantity in the Mackenzie River</li> <li>• impacts to cultural uses of the Mackenzie River downstream of Norman Wells, including fishing, hunting, trapping and travelling</li> <li>• accidents and malfunctions</li> <li>• alternatives to the proposed activities, such as trenching and the no project alternative, including the impact on the environment of these alternatives" The SRRB notes that follow up, adaptive management and mitigation</li> </ul>	The SRRB recommends that follow up, adaptive management, and mitigation and monitoring be included as primary issues, particularly the Aquatics Effects Monitoring Program. The SRRB requests that Imperial be required to engage with SRRB during the environmental assessment process to establish commitments for creating a guardian program to conduct follow up monitoring.	The scope of monitoring for this application includes turbidity monitoring during active work periods. The AEMP is not within the scope of this current application. As outlined in Imperial's November 13, 2024 letter response to the draft EA scope and workplan, the scope of environmental monitoring should be specific to the scope being applied for, focusing on the defined primary issues including; impacts to water quality, water quantity, cultural uses of the Mackenzie River, accidents and malfunctions.

		<p>n and monitoring are not listed as primary issues.</p>		
5	Cumulative Effects Scope	<p>p. 3, Section 2.2.1 Cumulative Effects, first paragraph states, "For this assessment the consideration of cumulative effects will include, at a minimum, the potential contribution of the Line 490 Replacement Project to the cumulative effects of past, present, and reasonably foreseeable future activities, at the Norman Wells Operations and downstream." The SRRB notes that the extension of production associated with the Line 490 Replacement and the impact to closure and reclamation timelines results in an extension of the existing cumulative effects. Because Imperial's 2016 Interim Closure and Reclamation Plan is no longer valid due to the withdrawal of the application to construct the waste management facility in Norman Wells, a new closure and reclamation plan is required to understand how cumulative effects will be mitigated through closure and reclamation. Progressive reclamation at the NWO is minimal after 100 years plus of operations therefore, it is critical that Imperial addresses how cumulative effects associated with extending operations will be addressed.</p>	<p>Please address how cumulative impacts will be mitigated through closure and reclamation processes.</p>	<p>Closure and reclamation of the Operation is not included in the scope of the Line 490 EA. Closure and reclamation plans specific to the Line 490 scope is outlined below. No long-term disturbance to the land is anticipated to result from the HDD operations. Clean-up and restoration will be managed in accordance with the project EPP, and reclamation activities will be planned to align with the Norman Wells Operations Interim Closure and Reclamation Plan. Following completion of the HDD activities any debris, matting and geotextile used during HDD activities will be removed. Drilling waste will be removed, and the entry and exit pits of the HDD will be backfilled and recontoured to restore pre-construction grade and drainage. Topsoil will be replaced and the site will be prepared in a manner facilitating re-establishment of natural vegetation. As part of the initial application for the Line 490 project, an environmental and socio-economic screening was completed and included in Appendix C (Environmental Interactions Table). This assessment included mitigations and monitoring plans for various elements and associated cumulative effects. A copy of this table can be found here: <a href="https://reviewboard.ca/upload/project_document/Attachment%2010%20Environmental%20Interactions%20Table.pdf">https://reviewboard.ca/upload/project_document/Attachment%2010%20Environmental%20Interactions%20Table.pdf</a></p>
6	Evaluation of Adequacy of Public Engagement	<p>P. 4, Section 4 Public Engagement states, "The Review Board will consider Imperial's ongoing engagement with communities, Indigenous groups, other governments, and any other organizations with interests related to areas that might be affected by the Project." The SRRB notes that limited submissions on the draft workplan or draft scope of work were submitted by the November 6th deadline by Sahtú co-management bodies (i.e., Renewable Resource Councils, Land Corporations) and is concerned that there may be a lack of capacity or awareness of the MVEIRB environmental assessment due to the haste in which the steps are being completed.</p>	<p>The SRRB requests that both MVEIRB and Imperial indicate how co-management bodies in the Sahtú have been notified of the Line 490 Environmental Assessment process and what assistance is in place to ensure that all co-management organizations who wish to participate are participating. In addition, the SRRB requests that at the MVEIRB describe how 'all reasonable efforts' by Imperial to ensure that Indigenous groups, government agencies, and other interested parties have been engaged will be evaluated.</p>	<p>Imperial notes this comment is directed to the Board and their distribution list regarding ongoing EA proceedings acting as the administrator of the process. Imperial suggests the Board review and update their distribution list as necessary.</p>
7	Draft workplan - general comment	<p>The SRRB mainly conducts programs on a April 1 to March 31 fiscal year basis and currently has multiple programs underway with activities planned through to March 31, 2025. Squeezing in an environmental assessment process over and above the existing commitments will be challenging.</p>	<p>Please note the following requests for shifting the timeline to provide consideration to existing commitments of the SRRB and Renewable Resources Councils who participate in many of the SRRB activities.</p>	<p>Responses for #7-11: Imperial provided comments on the proposed timelines in the November 13, 2024 response letter to the draft EA scope and workplan. Imperial notes the comment is directed to the Board.</p>
8	Draft workplan - December schedule to conduct pre-hearing	<p>it is not feasible for Sahtú co-management boards such as the SRRB to participate in the pre-hearing conference in December or e</p>	<p>Please shift the submission date of interventions from parties to the middle of January at the earliest.</p>	

	g conference	arly January due to holiday closures.		
9	Draft workplan - December schedule to submit interventions from parties	it is not feasible for Sahtú co-management boards such as the SRRB to submit the interventions from parties in December or early January due to holiday closures.	Please shift the submission date of interventions from parties to the end of January.	
10	Draft workplan - January schedule for community hearings	Based on the previous re-scheduling requests, the Community hearings will need to be shifted further into the future. The SRRB already has many activities planned for February 2025.	The SRRB suggests that the MVE IRB confirm in advance with the SRRB when community hearings could occur to avoid scheduling conflicts with currently scheduled events in February 2025.	
11	Draft workplan - February 2025 - closing arguments from parties and developers	Based on the above noted requests to shift the schedule, the closing arguments from parties will need to shift into March 2025/	Please shift the closing arguments from parties into March 2025.	

November 6, 2024

JoAnne Deneron, Chair  
Mackenzie Valley Environmental Impact Review Board

**Re: EA2424-01, Line 490 Replacement Project, Imperial Oil NWT Ltd.  
Review of Proposed Workplan and Scoping Document**

I write on behalf of the K’ahsho Got’ine Committee,<sup>1</sup> in response to the Mackenzie Valley Environmental Impact Review Board’s (the “Review Board”) request for input on a) the draft workplan and b) the draft scope of environmental assessment.

The K’ahsho Got’ine Committee represents the K’ahsho Got’ine of Fort Good Hope, who are stewards of their territory and have protected their lands and waters and rights to such lands and waters, including the Mackenzie River, since time immemorial.

There is no dispute that the Crown and, by extension, the Review Board,<sup>2</sup> owes the K’ahsho Got’ine a duty to consult, accommodate and justify infringement when exercising its authority in respect of the Line 490 Replacement Project, including in establishing a proposed workplan and a scope of the environmental assessment.

We wish to express our concerns that the draft workplan does not provide sufficient time for meaningful or informed engagement. We also wish to propose additional issues for consideration in the scope of the environmental assessment.

a) Timelines of the Draft Workplan

The law on the duty to consult is clear that Crown agencies must provide Indigenous peoples with genuine opportunities to meaningfully participate in decision-making processes that affect their constitutionally-protected rights. In particular, Courts have consistently affirmed that adequate timing is of particular importance in the consultation process:

The Crown must give the Aboriginal group a reasonable amount of time to respond to a referral and to engage in consultation. The Crown must be prepared to let consultation run its course; it cannot abort the consultation process because of other time pressures where the Aboriginal group is

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<sup>1</sup> The K’ahsho Got’ine Committee consists of the Fort Good Hope Dene Community Council, the Yamoga Lands Corporation, the Fort Good Hope Metis Nation Local #54 Land Corporation, the Fort Good Hope Renewable Resources Council and the K’ahsho Development Foundation. Each member of the K’ahsho Got’ine Committee plays a key role in representing the K’ahsho Got’ine of Fort Good Hope and protecting K’ahsho Got’ine Rights.

<sup>2</sup> The Review Board’s interim consultation policy indicates that the Crown relies on the Review Board’s environmental assessment process to support its consultation obligations. As such, the duty to consult applies to the scope and timelines for the environmental assessment EA2424-001.





actively engaged in the consultation process, there remain outstanding issues, and there is value to further discussions. : *Squamish Nation v. British Columbia (Community, Sport and Cultural Development)*, 2014 BCSC 991 (CanLII) at para 214 [emphasis in original]

In our view, the draft workplan does not provide sufficient time during the initial or subsequent technical phases of the environmental assessment to allow for informed or meaningful consultation.

The initial information gathering, participant funding and scoping phases of this environmental assessment are critical for our team to brief leadership, seek directions, allocate resources, and hire a technical support team. However, the Review Board is already behind its proposed schedule. The draft workplan, published by the Review Board on October 18, 2024, indicated that the initial phases of the environmental assessment would be completed that same month, in October, but, as of November 6, 2024, the Review Board is behind on all its activities scheduled for October – none of the activities are complete and some have not even been scheduled.<sup>3</sup> This delay significantly impedes critical K’ahsho Got’ine’s planning processes.

The subsequent technical phases of the environmental assessment, including information requests (scheduled in November) and interventions (scheduled in December) also require more reasonable timelines. The Review Board’s current proposed workplan schedules these technical phases immediately following the initial start-up of the environmental assessment and schedules the interventions shortly after the information requests. This means that the Committee has a very small number of days to retain experts, review a large volume of evidence, gather direction from the K’ahsho Got’ine Assembly<sup>4</sup> and seek consensus from leadership before preparing information requests and interventions. This also means that the Committee will have very little time to review information requests before preparing interventions. This condensed timeline significantly impedes the K’ahsho Got’ine’s ability to engage in decision-making in consultation with the Assembly and to work with a technical team to ensure engagement is fully informed.

Finally, like other government and business in the Sahtu, key K’ahsho Got’ine institutions close for several weeks over the winter holidays and it is inappropriate to schedule activities into mid or late December.

To remedy these issues, we propose that the workplan be updated. Information requests should be scheduled for late January 2025 at the earliest to account for the delay in the initial phases of the environmental assessment and to allow our team to finalize funding, get clear and informed directions from leadership and the Assembly and to hire and bring our technical team on board. Additional time should also be provided at each of the information request and intervention phases to allow the K’ahsho Got’ine Committee and other Indigenous Intervenors to continue to engage with the support of a technical team. This more reasonable timeline is necessary for meaningful and informed consultation.

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<sup>3</sup> Final comments from the proponent on the public review of the draft workplan and scoping documents are due on November 13, 2024, but the review was scheduled for October. Participant funding applications have opened, but funding has not yet been allocated. Finally, the start-up meeting

<sup>4</sup> The K’ahsho Got’ine Assembly comprises all K’ahsho Got’ine people. It is our internal political decision-making institution and government. Important issues are openly discussed in a public forum with the goal of reaching consensus on any decisions made. K’ahsho Got’ine Committee leadership takes its instructions from the Assembly.



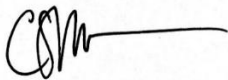
b) Scoping of Environmental Assessment

The K'ahsho Got'ine Committee supports the primary issues identified by the Review Board in its scoping document and wishes to propose the inclusion of the following additional issues in the scope of the environmental assessment:

- the impact of climate change and low water levels on cumulative effects and potential accidents and malfunctions;
- the risks and impacts posed by the remaining flowlines which remain buried in the sediment of the Mackenzie River;
- the cumulative impacts to human health downriver; and
- the efficacy of studies and sampling.

We respectfully request that the Review Board consider amending the draft workplan and scoping documents to ensure that the K'ahsho Got'ine and other Indigenous participants have a genuine opportunity to meaningfully participate in the hearing process.

Sincerely,



Ceilidh Stubbs  
Legal Counsel for the K'ahsho Got'ine Committee



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November 13, 2024

Mackenzie Valley Environmental Impact Review Board  
Attn: JoAnne Deneron, Chairperson  
Box 938, 200 Scotia Centre  
5102 – 50 Avenue  
Yellowknife, NT X1A 2N7

Submitted via Online Review System

Dear Ms. Deneron,

**Re: EA2425-01 Line 490 Replacement Project, Imperial Oil Resources N.W.T. Limited (Imperial) response to Draft Workplan and Draft Scope of Environmental Assessment (EA)**

Imperial thanks the Mackenzie Valley Environment Impact Review Board (Board) for issuing the draft workplan and draft scoping document for the EA for the proposed Line 490 replacement project. This letter of comment on the draft workplan and scoping document is provided for the Board's consideration.

Imperial appreciates that the proposed timeline seeks to address a fair and reasonable process within the confines of the legislative framework. Imperial further notes that the draft workplan and scoping document have taken into consideration the extensive submissions and information requests that have taken place over the preceding ten months through the Canada Energy Regulator (CER)'s public hearing process for the replacement of Line 490.

### **Draft Workplan**

Imperial notes the comments provided by Deline Got'ine Government (DGG) and the K'ahsho Got'ine Committee (KGC) requesting a longer timeline for the EA to incorporate meaningful participation in the decision-making process. Both KGC and DGG have participated and provided comments on the project over the last ten months.

The referral to an EA has added an additional delay for a regulatory decision upon which an investment decision depends. The proposed draft workplan will result in a date for a regulatory decision for the Line 490 replacement activity more than 20 months after Imperial began community engagement activities (August 2023) and more than 17 months after Imperial's Condition 5 Notification to the CER (Oct 2023).

In response to the Draft Workplan issued for the EA, Imperial has the following general comments.

- Information requests to the developer and responses to information requests, both scheduled in November 2024.
  - Imperial submits that based on the information already on record through the CER application and hearing process, as well as the applications for the land use permit and type B water licence, there is a great deal of information already available and reviewed

by Sahtu communities. Imperial suggests that scheduling the timing of the requests and responses should be reflective of the work done to date.

- Applications for intervenor status are scheduled for December 2024.
  - Imperial requests that the Board consider initiating this process as soon as possible so that any intervenors may have any applicable government funding in place to participate in pre-hearings and interventions. Imperial notes that this has been a point of concern raised by the KGC as shown in its submission of September 24, 2024<sup>1</sup>.
- Minister’s responses to Report of EA – March 2025 onwards
  - Imperial submits that based on the scope and scale of the proposed activity, the regulatory hearing process completed prior to the start of the EA, the referral to an EA at a late stage in the regulatory process, the constraints of seasonal mobilization and procurement, as well as the impact of delay on the commercial viability of the activity to receive corporate approval for funding, the Board advise the Minister of the same and request an expedited review and response to the Report of EA.

### Draft Scope of Environmental Assessment

Imperial notes and appreciates the Board’s clear definition of the activity under consideration.

Due to the nature of the proposed activity, the potential physical effects can be well understood from previous examples. It is therefore reasonable that the Board’s assessment would incorporate findings and mitigations similar to those within the CER hearing for the activity, the associated undertakings, commitments, conditions, and mitigations as well as the SLWB’s assessment and draft conditions. Imperial therefore proposes that the Board seek to define common understanding between SSI, Imperial, and regulators, of the possible risks associated with HDD.

### Potential Environmental Impacts

- Within Section 1.4 of the Draft Scope, referencing s. 115 of the *MVRMA*, the Board identified the need to regard the protection of the environment from “significant adverse impacts”.
  - A potential difference of understanding seems likely to remain regardless of an assessment unless a definition for “significant adverse impacts” is outlined. This definition is undefined within the *MVRMA* but critical to decision making under the Act during a review.
    - Imperial requests that the Board define “significant adverse impacts” on the environment that will be used to assess the use of HDD.
  - The definition of impacts could address KGC’s request that cumulative impacts to human health downriver be incorporated for assessment.
- The scope of the assessment within Section 2.2, includes impacts to water quality, water quantity, cultural uses of the Mackenzie River, accidents and malfunctions.
  - Imperial submits that these are critical elements to include within the scope of assessment of HDD for replacement of Line 490. Imperial has communicated the assessment that the risks associated with HDD are widely understood to be low.

HDD activities take place across Canada, and therefore other jurisdictions as well as regulatory agencies (CER, GNWT-ECC, DFO) regularly review and regulate these activities. The Board may look to gather

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<sup>1</sup> [K’ahsho Got’ine Committee Comments on Draft Type A Land Use Permit and Type B Water Licence for the Norman Wells Goose to Bear Island Flowline Replacement \(S24A-005/S24L1-002\)](#) – September 24, 2024 letter to SLWB

information to help inform what potential effects may be anticipated and mitigated for the protection of water quality, water quantity and cultural uses during an HDD. Imperial suggests these agencies be requested to provide the number of HDD installations completed under their mandates, along with associated relevant information about the rates of incidents and impacts.

### Socioeconomic

- Section 1.4 of the Draft Scope further references the need to regard the “protection of the social, cultural and economic well-being of Mackenzie Valley residents and communities.”
  - The initiation and timeline of an EA are designed for major and substantially new developments that have a potential to alter existing environmental and socioeconomic conditions. The use of HDD to replace Line 490 is neither a major project nor a new development.
    - Imperial submits that declining to replace Line 490 and reinstate production from the full field would be a significant negative change from the status quo in terms of socioeconomic effects in a case where production and economic activity at the field ends earlier than it otherwise would with restored production capacity. In this case, as described in Section 2.2 of the draft scoping document, the protection of social, cultural and economic well-being of residents and communities should be regarded at least in part, from the loss of economic activity from the NWO as a whole, not a construction activity of limited scope and scale.

### Geographic Scope

Besides the project footprint and valued components that may be affected beyond the activities, Section 2.3 describes the geographic scope to include the point downstream at which project-related impacts are no longer detectable. Imperial asks that the Board indicate if the detectable impacts being assessed are limited to measurable physical characteristics such as standardized water quality sampling.

### Temporal

Imperial asks that the Board clarify that consideration of the temporal effects is limited to effects from the installation and commissioning of the replacement line, acknowledging that operation of flowlines between Goose and Bear Islands is a longstanding component of the overall operation.

### Public Engagement and Incorporation of Traditional Knowledge

As part of public engagement information assessed in relation to Section 4, Imperial requests that the Board incorporate the concerns raised and responses provided within the CER’s Line 490 hearing process. The concerns raised that specifically relate to Line 490 are summarized in the attached table with links to the source documents on the CER’s publicly available document registry.

Imperial has noted the need to better identify and communicate the incorporation of Traditional Knowledge across the NWO and notes specifically the draft CER condition<sup>2</sup> and Imperial’s response<sup>3</sup> for the Line 490 replacement activity.

<sup>2</sup> CER Revised Draft Conditions for Comment ([C31031-1](#))

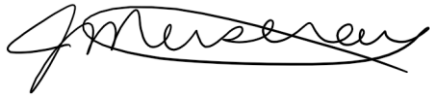
<sup>3</sup> Imperial Response to CER Revised Draft Conditions ([C31204-2](#))

### Additional Information for the Record

Imperial appreciates the effort the Board has made to incorporate records from the CER hearing process and the SLWB applications for the Line 490 project. Imperial requests that several additional relevant documents be considered in the Board's assessment. The relevant documents and links to versions already on the public record are within attached table.

Please contact me ([jaclyn.mersereau@esso.ca](mailto:jaclyn.mersereau@esso.ca)) or Sam Bird ([sam.bird@exxonmobil.com](mailto:sam.bird@exxonmobil.com)) or if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jaclyn Mersereau". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jaclyn Mersereau  
Environment and Regulatory Technical Lead  
Imperial

Attachment 1: Line 490 CER Hearing and SLWB Application Summary Table of Community Information Requests

# Attachment 1: Line 490 CER Hearing and SLWB Application Summary Table of Community Information Requests

SIR Document Number	Link to SIR Reply	Question Number
C28814-2	<a href="#">C28848-2</a>	2.1
C29177-2	<a href="#">C29304-1</a>	3.1
C29177-2	<a href="#">C29304-1</a>	3.2
C29177-2	<a href="#">C29304-1</a>	3.3
C29177-2	<a href="#">C29304-1</a>	3.4
C29177-2	<a href="#">C29304-1</a>	3.5
C29177-2	<a href="#">C29304-1</a>	3.6
C29177-2	<a href="#">C29304-1</a>	3.7
C29177-2	<a href="#">C29304-1</a>	3.8
C29177-2	<a href="#">C29304-1</a>	3.9
C29177-2	<a href="#">C29304-1</a>	3.10
C29177-2	<a href="#">C29304-1</a>	3.11
C29177-2	<a href="#">C29304-1</a>	3.12
C29177-2	<a href="#">C29304-1</a>	3.13
C-29534-1	<a href="#">C29630</a>	3
C-29534-1	<a href="#">C29630</a>	4
C-29534-1	<a href="#">C29630</a>	5
C-29534-1	<a href="#">C29630</a>	6
C29177-2	<a href="#">C29629</a>	N/A
C-29542-1	<a href="#">C29632</a>	3.1
C-29542-1	<a href="#">C29632</a>	3.2
C-29542-1	<a href="#">C29632</a>	3.3
C29771-2	<a href="#">C29876</a>	4.5
C29771-2	<a href="#">C29876</a>	4.7
C29867-2	<a href="#">C29933</a>	10a
C29867-2	<a href="#">C29933</a>	10b
C29867-2	<a href="#">C29933</a>	11a
C29867-2	<a href="#">C29933</a>	11b
C29867-2	<a href="#">C29933</a>	12a
C29867-2	<a href="#">C29933</a>	12b
C30035-1	<a href="#">C30094</a>	9c
C30690-2	<a href="#">C30794</a>	6.3
C30690-2	<a href="#">C30794</a>	6.4
C30690-2	<a href="#">C30794</a>	6.5





November 06, 2024

Mark Cliffe-Phillips  
Executive Director  
Mackenzie Valley Environmental Impact Review Board  
PO BOX 938  
YELLOWKNIFE NT X1A 2N7  
[mcliffephillips@reviewboard.ca](mailto:mcliffephillips@reviewboard.ca)

By ONLINE REVIEW SYSTEM

Dear Mark Cliffe-Phillips:

**Review of proposed Scoping Document and draft Workplan for Imperial Oil's Line 490 Replacement Project (MVEIRB file: EA2425-01)**

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The Government of the Northwest Territories (GNWT) appreciates the opportunity to provide feedback on the draft Scoping document and workplan for Imperial Oil's Line 490 Replacement Project distributed by the Review Board for comments on October 18, 2024.

The GNWT has reviewed the documents and provided comments and recommendations on the Online Review System.

Should the Review Board or any parties have questions regarding the GNWT's comments, please contact Alison Heslep, Manager, Project Assessment, Impact Assessment and Security Management, at [Alison.Heslep@gov.nt.ca](mailto:Alison.Heslep@gov.nt.ca) or (867) 767-9180 Ext. 24021.

Sincerely,

Lorraine Seale  
Director  
Impact Assessment and Security Management  
Environment and Climate Change

- c. Simon Toogood  
Senior Environmental Assessment Advisor  
Mackenzie Valley Environmental Impact Review Board



November 6, 2024

EA2425-01

Simon Toogood  
Senior Environmental Assessment Advisor  
Mackenzie Valley Environmental Impact Review Board  
200 Scotia Centre, 5102-50<sup>th</sup> Ave  
YELLOWKNIFE, NT X1A 2N7

**RE: Notice of Proceeding EA2425-01, Line 490 Replacement Project, Imperial Oil Resources N.W.T. Limited**

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Dear Simon Toogood,

On October 18, 2024, the Mackenzie Valley Environmental Impact Review Board (the Board) issued its Notice of Proceeding describing the proposed workplan and draft scoping document for the environmental assessment of Imperial Oil Resources N.W.T. Limited's (Imperial Oil) Line 490 Replacement Project (the Project).

The Board requested that interested parties review the draft workplan and draft scope of environmental assessment and consider:

- Whether the proposed workplan process steps work for interested parties' timelines;
- Whether the proposed workplan steps are appropriate;
- If the issues identified in the draft scope document are the priorities that interested parties want the environmental assessment to focus on; and
- If there are other priority issues or concerns that are not identified.

The Northern Projects Management Office is responding on behalf of: Crown-Indigenous Relations and Northern Affairs Canada; Environment and Climate Change Canada; Fisheries and Oceans Canada; Health Canada; and Natural Resources Canada. Federal departments have conducted a review of the draft workplan and draft scope of environmental assessment and are providing these comments for the Board's consideration.

At the Board's request, the Government of Canada (GC) has provided feedback on the following:

**A. Draft Workplan**

Proposed Timelines

The GC understands that the draft workplan with timelines extending to March 2025 is intended to make efficient use of time and evidence that is already available related to the Project. As a result, neither a Terms of Reference nor a Developer's Assessment Report will be developed as part of this environmental assessment process as the Board intends to rely in part on existing information. The GC requests clarification on when the Board



intends to have all relevant information posted on the Registry, including documents from the Canada Energy Regulator and the Sahtu Land and Water Board.

The GC also notes that information requests to the developer will be accepted in November 2024 with responses anticipated in the same month. The GC requests clarification on how long the Board anticipates the commenting period will be once all the relevant documents have been posted on the Registry.

## **B. Draft Scope of Environmental Assessment**

### Considered Scope

The GC recognizes that the Board considered information from Imperial Oil's applications for the Project to the Sahtu Land and Water Board (S24A-005 and S24L1-002), the Canada Energy Regulator (OA 1210-001) and related public review processes. Although there are some unknown impacts around the rehabilitation of the Goose and Bear Islands, the GC anticipates these impacts will be assessed in the scope of the environmental assessment set by the Board.

We would like to thank the Board for the opportunity to review the proposed draft workplan and draft scope of environmental assessment. Federal departments look forward to participating in the assessment of the Project.

Sincerely,

Melissa Alexander  
Senior Project Manager  
Northern Projects Management Office

Cc Ron Pankratz, A/ Regional Director General, NWT Region, Crown-Indigenous Relations and Northern Affairs Canada

Jody Small, Regional Director, Prairie and Northern Region, Environment and Climate Change Canada