

July 19, 2022

Notice of Proceeding – scoping phase

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

Introduction

This Notice of Proceeding describes the Mackenzie Valley Environmental Impact Review Board's (the Review Board) scoping phase activities for the environmental assessment (EA) of the Waste Management Facility (WMF) proposed by Imperial Oil Resources NWT Ltd. (Imperial).

The proposed Waste Management Facility was referred to environmental assessment by the Sahtu Secretariat Inc. (SSI). One reason for referral was the concern expressed by SSI “that the closure and reclamation plan for the Norman Wells oilfield is being broken down into a number of discrete steps such as the WMF construction, each of which could be considered without relation to other elements of the closure”.¹

Scoping phase activities by the Review Board will therefore include consideration of these concerns as a component of the evidence which will be used to determine the scope of development for this EA. The Review Board will gather this evidence in the following ways:

- information requests to the developer and interested parties
- community scoping meetings facilitated by Review Board staff
- a scoping hearing attended by the Review Board members

Information requests

The Review Board will issue Information Requests to Imperial Resources and interested parties to gather written evidence on the appropriate scope of development for this environmental assessment.² These Information Requests will be issued shortly using the Online Review System.

¹ [Sahtu Secretariat - letter of referral to environmental assessment](#)

² Rule 37 in the Review Board's [Rules of Procedure](#) states that “[t]he Review Board may seek information from any party to a proceeding at any time by way of a written Information Request”.

Community scoping meetings

The Review Board will host community scoping meetings, intended primarily for community members and leadership. This will include a presentation by the developer about the proposed project. One-day scoping meetings in each of these communities are proposed for September in:

- Fort Good Hope (including Colville Lake participants)
- Tulita
- Deline
- Norman Wells

Community scoping meetings are facilitated by Review Board staff. Meeting dates, agendas and instructions on how to participate in these scoping meetings will follow. These community scoping meetings will include identifying and prioritizing issues related to the proposed Waste Management Facility for the EA to focus on, and participant's views on the scope of development.

Scoping hearing

The Review Board will hold a one-day in-person scoping *hearing* in Norman Wells after community scoping *meetings* are concluded.³ Board members will be present at the hearing. The purpose of a scoping hearing is for Review Board members to hear views on scope of development directly from Indigenous Governments and organizations, the proponent, federal and territorial government departments, other interested parties and the public.

When SSI referred this project to EA, it did so based partly on its concern about development project splitting (the term incrementalism is used in the SSI referral letter), related to how decisions about the Waste Management Facility fit into the bigger picture of the overall closure and reclamation of the Norman Wells oilfield. Section 3.8 of the Review Board's *EIA Guidelines*⁴ addresses project splitting in the context of EAs.⁵ These *Guidelines* state that "practice has shown that it is both ineffective and inefficient to separately assess the many individual components of a large development, even if developer apply for these components separately. To assess these parts individually risks missing the bigger picture, by failing to recognize impacts related to scale and combined effects of the separate parts" (p. 27). The Board recognizes Imperial has not fully completed its overall closure design for the larger site, and has indicated that it is not prepared to apply for it now.

³ Rule 64 of the Review Board's [Rules of Procedure](#) states that the Review Board may direct that a hearing be held as part of its proceedings.

⁴ Available online at reviewboard.ca/process_information/guidance_documentation/guidelines

⁵ Project splitting is an undesirable practice of seeking approvals for parts of a larger development separately, avoiding consideration of the total impact.

Considering SSI's reasons for the referral of this project to EA, the Review Board would like to thoroughly consider the evidence and arguments of the developer and other parties when it establishes the scope of development for this EA. This will provide necessary clarity for all parties' impact predictions for the remainder of the EA. The Review Board has decided that community scoping sessions and information requests followed by a scoping hearing, where parties can speak in-person directly to Board members, is the most appropriate process for fairly listening to the views of Indigenous Governments and organizations potentially affected by the project, to clarify the scope of development for all participants in the environmental assessment. The Review Board must ultimately decide what should and should not be included in the scope of development for this environmental assessment.⁶

The scoping hearing will:

- take place in-person in Norman Wells
- allow representatives from Indigenous Governments and organizations to present their views to the Board
- allow for other Federal and Territorial Government departments and the public to present their views to the Board
- have interpreters present for Indigenous languages
- be transcribed
- follow Public Health measures for Covid

The date for the scoping hearing will be determined soon. Public notice of the hearing will be issued at least 30 days in advance of the hearing.⁷ The notice will describe:

- the date, time, place and nature of the hearing
- the matters to be considered at the hearing
- the opportunity for members of the public to participate
- the date by which information to be considered in the hearing must be filed
- any other information relevant to the conduct of the hearing

The Review Board may hold a pre-hearing conference before the hearing to discuss the agenda, process and roles with participants.

Decision on the scope of development

The Review Board will issue its decision on the scope of development for this environmental assessment based on evidence gathered during these scoping activities.

⁶ MVRMA s. 117(1) states that every environmental assessment of a proposal for a development shall include a determination by the Review Board of the scope of the development, subject to any guidelines made under section 120.

⁷ Rule 67 of the *Rules of Procedure* requires the Board to provide notice at least 30 days before a hearing.

If you have any questions or need more information, please contact Sr. Environmental Assessment Officer Chuck Hubert, at 867-766-7052 chubert@reviewboard.ca, or Simon Toogood, Environmental Assessment Officer, at 867-766-7053 stoogood@reviewboard.ca.