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October 26, 2022

File: MV2021L1-0009

Esther Choi
Imperial Oil Limited
Box 2480, Station M
505 Quarry Park Blvd SE
Calgary AB T2C 5N1

Sent by email

Dear Ester Choi,

Re: Imperial Oil Limited – Winter Snow-fill Crossing – Amendment Issuance Package – Water Licence MV2021L1-0009 – Re-Abandonment of Well – Jean Marie River, NT

The Mackenzie Valley Land and Water Board (Board) met on October 13, 2022 and considered the Amendment Application Package from Imperial Oil Limited (Imperial) for Water Licence (Licence) MV2021L1-0009 for the Well Re-Abandonment – Additional Snow-fill Crossing (Project) in accordance with the *Waters Act*.

The Board has approved the amended Licence (attached). The amended Licence is supported by the Board's Reasons for Decision. These documents are posted on the Board's Public Registry.¹

Inspectors:

The Inspectors referred to in the Licence can be contacted at the regional GNWT-ENR offices.²

Licence Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Water Licensing Process*³ (Guide) contain detailed information on licence enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Licence.

¹ See MLWB Online Registry www.mvlwb.com for [MV2021L1-0009](#).

² See GNWT-ENR Regional Offices webpage (<https://www.enr.gov.nt.ca/en/regional-offices>) for regional contact information.

³ See MLWB Policies and Guidelines webpage for MVLWB [Guide to the Water Licensing Process](#).

Full cooperation of Imperial is anticipated and appreciated. Please contact [Tyree Mullaney](#) via email or at (867) 766-7464 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
 Jaclyn Mersereau – Imperial Oil Limited
 Wendy Bidwell – Inspector, GNWT-ENR
 Nathen Richea – Director, Water Resources, GNWT-ENR

Attached: Water Licence MV2021L1-0009
 Reasons for Decision



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Imperial Oil Limited

Water Licence MV2021L1-0009

Pursuant to the *Waters Act* and the Waters Regulations,
the Mackenzie Valley Land and Water Board grants this Water Licence to:

Imperial Oil Limited

(Licensee)

of Box 2480, Station M, 505 Quarry Park Blvd SE Calgary AB T2C 5N1

(Mailing Address)

hereinafter called the Licensee, to proceed with the following undertaking, subject to the annexed definitions and conditions contained therein:

Location:	Jean Marie River – Well Abandonment
Water Management Area:	WMA 3
Purpose:	Industrial – Well Abandonment
Type:	Type B
Quantity of Water not to be exceeded:	Up to 299 m ³ per day to a maximum of 3000m ³ /year
Effective Date:	November 12, 2021
Expiry Date:	November 11, 2028

Amendment: Additional Winter Snow-fill Crossing:	October 26, 2022
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Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board

Amanda Gauthier, Witness

Type B Water Licence MV2021L1-0009

Imperial Oil Limited – Jean Marie River

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Part A: Scope and Defined Terms

Scope	Condition Title
<p>1. This Licence entitles the Licensee to use Water and deposit Waste for Industrial activities at the Jean Marie River wellsite B-48.</p> <p>The scope of this Licence includes the following:</p> <ul style="list-style-type: none">a) Withdrawal of Water for construction and abandonment purposes;b) Depositing of Waste;c) Construction, operation, and maintenance of Watercourse crossing(s);d) Construction, operation and maintenance of winter access roads; well site B-48, camps, and remote sumps; ande) Progressive Reclamation and associated Closure and Reclamation activities.	SCOPE
<p>2. The scope of this Licence is as described in the Preliminary Screening for MV2021L1-0009 and MV2021X0019, dated October 28, 2021.</p>	SCOPE – PRELIMINARY SCREENING
<p>3. This Licence is issued subject to the conditions contained herein with respect to the use of Water and the deposit of Waste in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Any change made to the <i>Waters Act</i> and/or the Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence.</p>	LEGISLATION SUBJECT TO CHANGE
<p>4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation.</p>	LEGISLATIVE COMPLIANCE

Defined Terms: ¹

Artesian Aquifer – a Water-bearing stratum which, when encountered during drilling operations, produces a pressurized flow of Groundwater that reaches an elevation above the Water table or above the ground surface.

Board – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

Closure Cost Estimate - an estimate of the cost to close and reclaim the Project.

Closure Criteria - standards that measure the success of selected closure activities in meeting closure objectives. Closure criteria may have a temporal component (e.g., a standard may need to be met for a pre-defined number of years). Closure criteria can be site-specific or adopted from territorial/federal or other standards and can be narrative statements or numerical values.

Closure Objectives - statements that describe what the selected closure activities are aiming to achieve; they are guided by the closure principles. Closure objectives are typically specific to project components, are measurable and achievable, and allow for the development of closure criteria.

Closure and Reclamation – the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities.

Closure and Reclamation Plan (CRP) – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation for the Project.

Component-Specific Closure and Reclamation Plan (Component-Specific CRP) – a document, developed in accordance with this Licence and the MVLWB/AANDC *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories*, that clearly describes the Closure and Reclamation for a component of the Project.

Construction – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

Discharge – a direct or indirect deposit or release of any Water or Waste to the Receiving Environment.

Drilling Fluid – any liquid or liquid mixture, including, but not limited to clay, Water, sediment, hydrocarbons, or additives, that is pumped down-hole while drilling.

Drilling Waste – Waste material specifically produced from drilling activity.

Effluent – a Wastewater Discharge.

Engagement Plan – a document, developed in accordance with the MVLWB *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the Project.

Freeboard – the vertical distance between the Water or Wastewater line and the lowest elevation of the effective Water or Wastewater containment crest on the upstream slope of a containment structure.

Greywater – all liquid Waste from showers, baths, sinks, kitchens, and domestic washing facilities, but does not include Toilet Waste.

Groundwater – as defined in section 1 of the Waters Regulations: all water in a zone of saturation below the land surface, regardless of its origin.

Hazardous Waste - a Waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or discharged.

Inspector – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

Licensee – the holder of this Licence.

Minister – the Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources.

Ordinary High-Water Mark – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an active channel/bank-full level, which is often the 1:2-year flood flow return level. In inland lakes, wetlands or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by Water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Progressive Reclamation – Closure and Reclamation activities conducted during the operating phase of the Project.

Project – the undertaking described in Part A, Conditions 1 and 2.

Receiving Environment – the natural environment that, directly or indirectly, receives any deposit of Waste from the Project.

RECLAIM – the Government of the Northwest Territories' model for estimating Closure and Reclamation costs.

Remediation – the removal, reduction, or neutralization of substances, Wastes, or hazardous materials from a site in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.

Runoff – the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.

Seepage – any Water or Waste that drains, passes through, or escapes from any structure designed to contain, withhold, divert, or retain Water or Waste.

Sewage – all Toilet Wastes and Greywater.

Sewage Disposal Facilities – the area(s) and structures designated to contain and treat Sewage.

Solid Waste Disposal Facilities – the area(s) and structures designated to contain solid Waste.

Spill Contingency Plan (SCP) – a document developed for the Project in accordance with INAC's *Guidelines for Spill Contingency Planning*.

Sump – a human-made excavation or a natural depression designated for depositing Water and/or Waste.

Toilet Wastes – all human excreta and associated products, not including Greywater.

Traditional Knowledge – the cumulative, collective body of knowledge, experience and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change.

Unauthorized Discharge – a Discharge of any Water or Waste not authorized under this Licence

Waste – as defined in section 1 of the *Waters Act*:

- a) a substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by an animal, fish or plant, or
- b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a), and includes
- c) a substance or water that, for the purposes of the *Canada Water Act*, is deemed to be waste,
- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

Waste Disposal Facilities – the area(s) and structures designated for the disposal of Waste.

Waste Management Plan (WMP) – a document, developed in accordance with the MVLWB *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management for the Project from Waste generation to final disposal.

Wastewater – any Water that is generated by Project activities or originates on-site, and which contains Waste, and may include, but is not limited to, Runoff, Seepage, Sewage, Minewater, and Effluent.

Water – as defined in section 1 of the *Waters Act*: water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land.

Watercourse – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

Water Management Area – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations.

Waters Regulations – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

Water Supply Facilities – the area(s) and structures designed to collect, and supply Water for the Project.

Water Use – as defined in section 1 of the *Waters Act*: a direct or indirect use of any kind, including, but not limited to,

- a) a diversion or obstruction of waters,
- b) an alteration of the flow of waters, and
- c) an alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal, but does not include a use connected with shipping activities that are governed by the *Canada Shipping Act, 2001*.

Water Use Fee – the fee for use of Water as per the Waters Regulations pursuant to section 63 of the *Waters Act* and the MVLWB *Water Use Fee Policy*.

	Condition	Condition Title
Part B: General Conditions		
1.	The Licensee shall ensure a copy of this Licence is maintained on site at all times.	COPY OF LICENCE
2.	The Licensee shall take every reasonable precaution to protect the environment.	PRECAUTION TO PROTECT ENVIRONMENT
3.	In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.	INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE
4.	In each submission required by this Licence or by any directive from the Board, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide justification for any recommendation not adopted.	IDENTIFY TRADITIONAL KNOWLEDGE
5.	All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise noted.	REFERENCES
6.	<p>The Licensee shall ensure all submissions to the Board:</p> <ul style="list-style-type: none"> a) Are in accordance with the MVLWB <i>Document Submission Standards</i>; b) Include a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and c) Include any additional information requested by the Board. 	SUBMISSION FORMAT AND CONFORMITY
7.	The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.	MANAGEMENT PLAN FORMAT
8.	The Licensee shall comply with all plans, programs, manuals, studies, including revisions, approved pursuant to the conditions of this Licence.	COMPLY WITH SUBMISSIONS AND REVISIONS
9.	The Licensee shall conduct an annual review of all plans, programs, manuals, studies and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than March 31 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.	ANNUAL REVIEW
10.	The Licensee may propose changes at any time by submitting revised plans, programs, manuals, or studies that require Board approval to the Board, for approval, a minimum of 30 days prior to the proposed implementation date for the changes. The Licensee shall not implement the changes until approved by the Board.	REVISIONS

11.	The Licensee shall revise any submission and submit it as per the Board’s directive.	REVISE AND SUBMIT
12.	If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.	SUBMISSION DATE
13.	The Licensee shall comply with the Schedules , which are annexed to and form part of this Licence, and any updates to the Schedules as may be made by the Board.	COMPLY WITH SCHEDULE(S)
14.	The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.	UPDATES TO COMPLIANCE DATE(S)
15.	The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.	COMPLY WITH BOARD DIRECTIVES
16.	The Licensee shall install, operate, and maintain meters, devices, or other such methods for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.	MEASURE WATER USE AND WASTE DISCHARGED
17.	Beginning March 31, 2022 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.	ANNUAL WATER LICENCE REPORT
18.	The Licensee shall comply with the Engagement Plan , once approved.	ENGAGEMENT PLAN
19.	A minimum of ten days prior to the initial commencement of Project activities, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	NOTIFICATION – COMMENCEMENT
20.	A minimum of ten days prior to re-commencement of Project activities following a temporary shut-down period, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	NOTIFICATION – RE-COMMENCEMENT
21.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS
22.	The Licensee shall immediately provide written notification to the Board of any non-compliance with a Board directive issued in respect of the implementation of the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES
23.	The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.	COPY – WRITTEN AUTHORIZATION

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| 24. | The Licensee shall submit a current Project schedule to the Board and an Inspector upon request. | SUBMIT CURRENT
PROJECT SCHEDULE |
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Part C: Security

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| 1. | The Licensee shall post and maintain a security deposit with the Minister in accordance with Schedule 2. The Licensee shall not commence Project activities until the security deposit has been accepted by the Minister. | POST SECURITY
DEPOSIT |
| 2. | Upon request of the Board, the Licensee shall submit an updated Closure Cost Estimate using the current version of RECLAIM or another method acceptable to the Board. | UPDATE CLOSURE
COST ESTIMATE |
| 3. | <p>The amount of the security deposit required by Part C, Condition 1 may be adjusted by the Board:</p> <p>a) Based on an updated Closure Cost Estimate as per Part C, Condition 2; or
 b) Based on such other information as may become available to the Board.</p> | ADJUSTED SECURITY
AMOUNT |
| 4. | If the amount of the security deposit is adjusted by the Board as per Part C, Condition 3, the Licensee shall post the adjusted amount with the Minister within the timeframe set by the Board. The Licensee shall not commence any new activities associated with a security adjustment until the additional security deposit has been accepted by the Minister. | POST ADJUSTED
SECURITY AMOUNT |
| 5. | Unless otherwise approved by the Board, the Licensee may not submit security adjustment requests except with a revised Closure and Reclamation Plan. | SECURITY
ADJUSTMENT
REQUESTS |

Part D: Water Use

1. The Licence shall only obtain Water for the Project as set out in the following table.

**WATER SOURCE AND
MAXIMUM VOLUME**

Water Source Name	Location and Coordinates	Type of Watercourse (e.g., river, lake, etc.)	Purpose of Water Use	Maximum Quantity (m ³ per day or year)
Jean Marie River	61.452618 - 120.581236	River	Industrial – Construction and drilling	Total estimated water use 3000m ³ /year with a daily limit of 299m ³ .
Borrow pit (backup source)	61.521251 - 120.625614	Borrow pit	Industrial – Construction and drilling	
Borrow pit (backup source)	61.5116997 - 120.636932	Borrow pit	Industrial - Construction and drilling	
Borrow pit (backup source)	61.506199 - 120.628202	Borrow pit	Industrial - Construction and drilling	
Borrow pit (backup source)	61.468493 - 120.613585	Borrow pit	Construction, Industrial and drilling	
Mackenzie River (backup source)	61.52791 - 120.624954	River	Industrial – Construction and drilling	

2. The Licensee shall only withdraw Water using the Water Supply Facilities, unless otherwise authorized temporarily in writing by an Inspector.

**WATER
WITHDRAWAL –
FACILITIES**

3. Prior to withdrawing Water from an approved Water source, the Licensee shall post sign(s) to identify the intake for the Water Supply Facilities. All sign(s) shall be located and maintained to the satisfaction of an Inspector.

**POST WATER INTAKE
SIGN(S)**

4. The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish.

**WATER INTAKE
SCREEN**

5. Prior to locating a Water intake in a fish-bearing Watercourse, the Licensee shall obtain written authorization for the location from an Inspector.

**WATER INTAKE
LOCATION –
AUTHORIZATION**

6. Each year, prior to November 12 and in advance of any Water use, the Licensee shall pay the Water Use Fee in accordance with the MVLWB *Water Use Fee Policy*.

WATER USE FEE

7. In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the instantaneous flow of Water from any Watercourse, as calculated.

**INSTANTENOUS
FLOW**

Part E: Construction

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| 1. | The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment. | OBJECTIVE –
CONSTRUCTION |
| 2. | The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector. | CONSTRUCTION
MATERIAL –
SOURCE(S) |
| 3. | The Licensee shall maintain records of Construction materials for all structures and make them available at the request of the Board or an Inspector. | CONSTRUCTION
RECORDS |

Part F: Waste and Water Management

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| 1. | The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions. | OBJECTIVE – WASTE
AND WATER
MANAGEMENT |
| 2. | The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector. | EROSION CONTROL |

Management and Monitoring Plans

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| 3. | The Licensee shall comply with the Waste Management Plan , once approved. | WASTE
MANAGEMENT PLAN |
| 4. | A minimum of 30 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Waste Management Plan . | WASTE
MANAGEMENT PLAN
– REVISED |

Discharge and Disposal Locations and Rates

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|----|--|---|
| 5. | The Licensee shall deposit all Waste as described in the approved Waste Management Plan . | WASTE DISPOSAL |
| 6. | The Licensee shall discharge all Effluent from the sewage treatment plant as described in the approved Waste Management Plan . | EFFLUENT DISCHARGE
– SEWAGE
TREATMENT PLANT |
| 7. | A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector. | NOTIFICATION –
WASTE DEPOSIT |
| 8. | The Licensee shall not discharge Waste, including Wastewater, to any Watercourse, or to the ground surface within 100 metres of the Ordinary High-Water Mark of any Watercourse. | DISCHARGE
LOCATION –
ORDINARY HIGH-
WATER MARK |

Other

- | | | |
|----|---|------------------------------------|
| 9. | If an Artesian Aquifer is encountered and producing Water at the ground surface, the Licensee shall:

a) Within 48 hours, notify the Board and an Inspector, in writing, including the flow rate in cubic metres;
b) Deposit Artesian Aquifer Water to a snow-bermed or self-contained area, unless otherwise authorized by an Inspector;
c) Seal the borehole to permanently prevent any further outflow of water and to the satisfaction of an Inspector; and
d) Within 24 hours following cessation of the flow of Artesian Aquifer Water, submit a detailed report of the event to the Board and an Inspector, including the total amount of Water in cubic metres that has been released, and the total amount of Water in cubic metres stored in the snow-bermed, or otherwise approved, storage area. | REPORT ARTESIAN
AQUIFER |
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Part G: Aquatic Effects Monitoring

Intentionally left blank.

Part H: Spill Contingency Planning

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| 1. | The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters. | OBJECTIVE – PREVENT
WASTE INTO WATER |
| 2. | The Licensee shall comply with the Spill Contingency Plan , once approved. | SPILL CONTINGENCY
PLAN |
| 3. | If a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:

a) Implement the approved Spill Contingency Plan referred to in Part H, Condition 2;
b) Report it immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none">• Telephone: (867) 920-8130• Fax: (867) 873-6924• E-mail: spills@gov.nt.ca• Online: Spill Reporting and Tracking Database
c) Notify the Board and an Inspector immediately; and
d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Written notification shall be provided to the Board and an Inspector if any changes occur | REPORT SPILLS |
| 4. | The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project. | SPILL PREVENTION
AND RESPONSE
EQUIPMENT |

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|----|--|---|
| 5. | The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector. | CLEAN UP SPILLS |
| 6. | The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 100 metres of the Ordinary High-Water Mark of any Watercourse. | MATERIAL STORAGE –
ORDINARY HIGH-
WATER MARK |

Part I: Closure and Reclamation

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| 1. | The Licensee shall comply with the Closure and Reclamation Plan , once approved. | CLOSURE AND
RECLAMATION
PLAN |
| 2. | Three years prior to the expiry date of this Licence, or a minimum of two years prior to the end of operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final Closure and Reclamation Plan . | CLOSURE AND
RECLAMATION PLAN
– FINAL |
| 3. | The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable. | PROGRESSIVE
RECLAMATION |
| 4. | The Licensee shall not conduct Progressive Reclamation except as approved by the Board. | PROGRESSIVE
RECLAMATION –
CARRY OUT AS
APPROVED |

Part J: Watercourse Crossings

- | | | |
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| 1. | The Licensee shall minimize the disturbance of riparian vegetation within the immediate boundary of any Watercourse crossing to the extent practicable. | MINIMIZE
DISTURBANCE OF
RIPARIAN
VEGETATION |
| 2. | Ice and snow crossings should not impede the flow of any Watercourse. These crossings shall be v-notched or removed before spring break-up to facilitate natural flow. | DO NOT IMPEDE
WATERCOURSE |
| 3. | Any materials placed below the normal high Water mark used in the construction of Water crossings shall be free of any contaminants, debris, or fine materials. | FREE OF
CONTAMINANTS |
| 4. | Any materials placed below the normal high Water mark used in the construction of Water crossings shall be removed before spring break-up. | REMOVE BEFORE
SPRING BREAK-UP |

Signed on behalf of the Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

Amanda Gauthier, Witness

Schedule 1: Annual Water Licence Report

Condition

1. The **Annual Water Licence Report** referred to in Part B, Condition 17 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
 - a) A brief summary of Project activities;
 - b) An updated Project schedule;
 - c) The monthly and annual quantities in cubic metres of fresh Water obtained from all sources, as required in Part B, Condition 16 of this Licence;
 - d) A summary of the calibration and status of the meters and devices referred to in Part B, Condition 16 of this Licence;
 - e) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 18 of this Licence;
 - f) A summary of how Traditional Knowledge was incorporated into decision making;
 - g) A summary of Construction activities conducted in accordance with Part E of this Licence;
 - h) A summary of major maintenance activities conducted in accordance with this Licence;
 - i) A summary of activities conducted in accordance with the approved **Waste Management Plan**, referred to in Part F, Condition 3 of this Licence, including:
 - i. A summary of approved updates or changes to the process or facilities required for the management Waste;
 - ii. Monthly and annual quantities/volumes by location of Waste managed under the plan;
 - j) A summary of activities conducted in accordance with the approved **Waste Management Plan**, referred to in Part F, Condition 3 of this Licence, including:
 - i. A summary of approved updates or changes to the process or facilities required for the management of Waste; and
 - ii. Monthly and annual quantities/volumes by location of Sewage and associated Waste and other materials managed under the Plan.
 - k) A description of any erosion susceptible areas encountered and a summary of activities to prevent or mitigate erosion;
 - i. A report of the performance of erosion mitigation applied in previous years;
 - l) A summary of activities conducted in accordance with the approved **Spill Contingency Plan**, referred to in Part H, Condition 2 of this Licence, including:
 - i. A list and description for all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part H, Condition 2 of this Licence; and
 - ii. An outline of any spill training carried out.

- m) A summary of activities conducted in accordance with the **Closure and Reclamation Plan**, referred to in Part I, Condition 1 of this Licence, including:
 - i. Details of any Progressive Reclamation undertaken;
 - ii. A discussion on whether planning and implementation remains on schedule, and a summary of any new scheduling setbacks;
 - iii. A summary of Reclamation Research completed;
 - iv. A summary of engagement conducted regarding Closure and Reclamation;
 - v. A list of any factors that would increase or decrease the Closure Cost Estimate the next time the Estimate is updated; and
 - vi. Any other related information.
- n) A list of any non-compliance(s) with the conditions of this Licence or any directive from the Board pursuant to the conditions of this Licence;
- o) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;
- p) A table detailing all commitments related to Water use and the deposit of Waste made during the Environmental Screening, with descriptions of how each commitment is being or has been met; and
- q) Any other details requested by the Board by November 30 of the year being reported.

Schedule 2: Security

Condition	
1.	No later than October 19, 2022, the Licensee shall deposit with the Minister a security deposit in the amount of \$2,512,462.00.

Schedule 3: Conditions Applying to Closure and Reclamation

Condition

1. The **Closure and Reclamation Plan** referred to in Part I, Condition 1 of this Licence shall include, but not be limited to the following information:
 - a) A plain language summary of the Plan;
 - b) A description of the overall goals for Closure and Reclamation of the Project, including expected future land use;
 - c) A description of the Closure and Reclamation planning team;
 - d) A description of engagement related to Closure and Reclamation planning, including a summary of completed and planned engagement, and links to the **Engagement Plan** referred to in Part B, Condition 18 for the Project;
 - e) A list of any other regulatory authorizations required for Closure and Reclamation of the Project;
 - f) A description of the pre-existing and current Project environment, including, but not limited to:
 - i. climatic conditions;
 - ii. physical conditions;
 - iii. chemical conditions;
 - iv. biological conditions;
 - v. any physical or chemical assessments of soil, water, and permafrost; and
 - vi. traditional uses.
 - g) A description of the Project, including, but not limited to:
 - i. site history;
 - ii. Project development;
 - iii. current status of the Project;
 - iv. maps delineating all disturbed areas, borrow material locations, site facilities, hydrological features, and elevation contours; and
 - v. photographs.
 - h) A description of each Project component, including, but not limited to:
 - i. areas affected by spills or Unauthorized Discharges; and
 - ii. other areas affected by Project activities.
 - i) For each Project component identified in condition (h) above, a description of Closure and Reclamation plans, including, but not limited to:
 - i. Closure Objectives and Criteria;
 - ii. preferred Closure and Reclamation option and method;
 - iii. Water management and restoration of natural drainage;
 - iv. predicted environmental effects during and after Closure and Reclamation activities;
 - v. post-closure monitoring, maintenance, and reporting;
 - vi. uncertainties and contingencies;
 - vii. climate change considerations; and
 - viii. Closure and Reclamation Research plans.

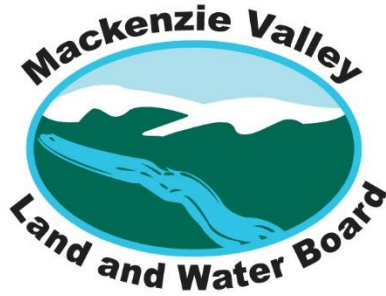
- j) A description of any planned Progressive Reclamation;
- k) A plan for Temporary Closure, including, but not limited to the following information:
 - i. Temporary Closure goals and objectives;
 - ii. a description of activities and methods;
 - iii. a description of monitoring, maintenance, and reporting;
 - iv. contingencies; and
 - v. an implementation schedule.
- l) An implementation schedule that includes Progressive Reclamation and final Closure and Reclamation activities; and
- m) A Closure Cost Estimate.

Annex A: MV2021L1-0009 – Concordance Table of Items Requiring Submission

Licence Condition	Report/Plan Title	Timeline for Submission
Part B, Condition 7	Annual Water Licence Report	Beginning March 31, 2022 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.
Part F, Condition 4	Waste Management Plan	A minimum of 30 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Waste Management Plan .
Part I, Condition 1	Closure and Reclamation Plan	Three years prior to the expiry date of this Licence, or a minimum of two years prior to the end of operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final Closure and Reclamation Plan .

Annex B: MV2021L1-0009 – Table of Revision History

Date	Location of Change	Change
July 26, 2022	Schedule 2, Condition 1	Update to the Schedule to adjust the timing of the submission of security
October 26, 2022	Amendment #1	Additional of a watercourse crossing



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Reasons for Decision

Issued pursuant to 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and section 36 of the *Waters Act*.

Water Licence Amendment Application	
File Number	MV2021L1-0009
Company	Imperial Oil Limited
Project	Jean Marie River Well Re-abandonment
Location	Jean Marie River, NT
Activity	Industrial
Date of Decision	October 13, 2021

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On October 13, 2021, the Mackenzie Valley Land and Water Board (MLWB or Board) met and considered the Well Re-abandonment Licence Amendment Application Request (the Application) made by Imperial Oil Limited (Imperial) (the Applicant) to the Board on August 29, 2021 for Water Licence (Licence) MV2021L1-0009 for the use of water for the Well Re-abandonment (the Project) in Jean Marie River. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To amend Water Licence MV2021L1-0009.

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the amended Licence. A summary of the Application and the main issues identified during the proceeding is provided in sections [1.0](#) and [2.0](#) below, followed by an outline of the regulatory process for the Application in [section 3.0](#). [Section 4.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale are set out in [section 5.0](#) for the Licence.

1.0 List of Defined Terms and Abbreviations

Applicant/Licensee/ Permittee	Imperial Oil Limited
Application	The complete amendment application package submitted by the Applicant for Water Licence MV2021L1-0009
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated. ¹
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
IR	Information Request
Inspector	An Inspector designated under subsection 65(1) of the Waters Act
Licence	Water Licence MV2021L1-0009
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the LWBs’ Rules of Procedures , an applicant, a person, or an organization participating in this regulatory process.
Project	The undertaking as described in Part A of the Licence

¹ To access the Distribution List, see the LWBs’ Online Review System for Imperial Oil Limited – [Amendment Application – Aug29_21](#)

Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	LWBs' Standard Water Licence Conditions Template
Standard Permit Conditions	LWBs' Standard Land Use Permit Conditions Template
WMP	Waste Management Plan

2.0 Summary of Application

On August 29, 2022, the Applicant submitted an application to amend Licence MV2021L1-0009 (the Application).² The Application is to include an additional water course crossing. The water course crossing is to be adjacent to the current bridge leading into Jean Marie River First Nation over the Ek'alia Creek. These activities are located within a non-federal area of the Dehcho Region.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the proposed amendment; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

3.0 Regulatory Process

On August 29, 2022, the Applicant submitted the Application, which was deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS).³ Public notice of the Application was published in *News North* during the week of September 27, 2022 to fulfill paragraphs 43(1)(a) of the [Waters Act](#).⁴

By September 23, 2022, the Board received comments and recommendations regarding the Application from the following Parties: GNWT – Lands, GNWT and ECCC. On September 28, 2022, the Applicant responded to the Parties' comments and recommendations.⁵

On October 13, the Board met and made its preliminary screening determination for the proposed changes to the Project.⁶ Following this determination, the Board made its decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) below.

² See MLWB Online Registry www.mvlwb.com for Imperial Oil Limited– Amendment – Application – Aug29_22

³ See MLWB Online Review System for Imperial Oil Limited – [Water Licence Amendment Application](#) – Sept6_22.

⁴ See MLWB Online Registry for Imperial Oil Limited – [Notice of Application](#) – Sept27_22

⁵ See MLWB Online Registry for Imperial Oil Limited – Amendment – [Review Comment Summary Table](#) – Sept28_22.

⁶ See MLWB Online Registry for Imperial Oil Limited – Amendment – [Preliminary Screening Determination and RFD](#) – Oct13_22.

4.0 Legislative Requirements Related to Licence Issuance

This Project is subject to the [MVRMA](#), the [Waters Act](#), and the [Waters Regulations](#) with respect to licensing, because it is located in a non-federal area.

The Board has jurisdiction to amend the Licence as per subsection 60(1.1) and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [2.0](#) and [3.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [5.0](#).

4.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada to whom section 35 of the *Constitution Act, 1982*, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results are clearly articulated. In accordance with the Policy and Guidelines, the Applicant's engagement efforts with respect to the Application are detailed in the Engagement Record submitted with the Application.⁷

The Applicant also has an approved Engagement Plan, Version 1,⁸ in place under the Licence and did not propose changes to the Plan. The Applicant must continue engagement efforts as outlined in the approved Plan and as required in the amended Licence.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Dehcho Region, the appropriate organizations, governments, First Nations, and

⁷ See MLWB Online Registry for Imperial Oil Limited – Amendment – [Engagement Record V1](#) – Aug29_22

⁸ See MLWB Online Registry for Imperial Oil Limited – [Engagement Plan V1](#) – Sept16_21.

Indigenous organizations were included in the Distribution List.⁹ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 3.0](#).

In accordance with the Northwest Territories Métis Nation Interim Measures Agreement, the Northwest Territories Métis Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Northwest Territories Métis Nation during the proceeding.

In accordance with the Minister's 2004 [Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement](#), the Dehcho First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Dehcho First Nation member nations during the proceeding.

4.2 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing an amended permit or licence.

No approved Land Use Plans apply in the Project area.

4.3 Water Use Fees

No changes to the water use volume were proposed, so there are no changes to the annual water use fees in the Licence.

For the duration of the Licence, annual water use fees must continue to be paid each year on or before the date specified in the Licence conditions.

4.4 Existing Licences

During the time period established in the Notice of Application, no licensees or applicants contacted the Board to identify potential effects from the proposed changes to the Project on other projects, and there are no other applicants with precedence. Accordingly, with respect to paragraph 26(5)(a) of the [Waters Act](#) the Board is satisfied that issuing the amended Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant, provided the Applicant complies with the conditions of the Licence.

⁹ To access the Distribution List, see the LWBs' Online Review System for Imperial Oil Limited – [Water Licence Amendment](#) – Sept16_22

4.5 Compensation to Existing Water Users

Paragraph 26(5)(b) of the [Waters Act](#) prohibits the issuance of the amended Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the Applicant, at the time when the Applicant filed the Application with the Board.

The Board received no claims for compensation related to the proposed amendment either during the time period established in the Notice of Application, or during the remainder of the proceeding. Provided the Applicant complies with the Licence conditions, the Board is satisfied there are no water users or persons listed in paragraph 26(5)(b) of the [Waters Act](#) who will be adversely affected by the proposed use of waters or deposit of waste.

4.6 Water Quality Standards

With regards to subparagraph 26(5)(c)(i) of the [Waters Act](#), no water quality standards have been prescribed in the [Waters Regulations](#); however, the LWBs' [Water and Effluent Quality Management Policy](#) applies to the Licence, and the primary objective of the Policy is "protection of water quality in the receiving environment." This objective is directly reflected in the Licence condition OBJECTIVE – WATER AND WASTE MANAGEMENT, and in accordance with the Policy and this objective, the Board is satisfied that the conditions set out in the amended Licence are consistent with the Policy and compliance with these conditions will ensure that waste will be collected and disposed of in a manner that will be protective of water quality in the receiving environment. These conditions and detailed rationale are described in [section 6.7](#).

4.7 Effluent Quality Standards

The Project does not entail the disposal of effluent, so subparagraph 26(5)(c)(ii) of the [Waters Act](#) does not apply.

4.8 Financial Responsibility

Under paragraph 26(5)(d) of the [Waters Act](#), before the Board can issue the Licence, it must be satisfied that the Applicant's financial responsibility is adequate to complete the Project (including the proposed changes), any required mitigation measures, and the closure and reclamation of the site.

As detailed in [section 4.8](#) of these Reasons, the Board has determined that the changes to the Project do not affect the estimated liabilities and closure costs associated with the Project. Accordingly, the Board has maintained the existing security requirements, established as described in the Board's October 13, 2022 Reasons for Decision,¹⁰ and the Board is satisfied that adequate financial resources will be in place to ensure that the Project site can be restored.

¹⁰ See MLWB Online Registry for Imperial Oil Limited – [Issuance RFD](#) – Nov21_21

As a result, and for the reasons set out above, the Board is satisfied that the legislated requirement to establish the financial responsibility of the Applicant for the Project has been met.

4.9 Minimization of Adverse Effects

With regards to subsection 27(2) of the [Waters Act](#), the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. As discussed above in [section 5.2](#), the Applicant conducted pre-application engagement, and the Board also provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects from the proposed amendment on other users of the water and lands in the Project area.

Regardless, as noted in sections 5.8 and 5.9, and as detailed in the Board's November 21, 2021 Reasons for Decision¹¹ the Board has set conditions in the licence to regulate waste management for the purpose of protecting the receiving environment. Additionally, as described in Board's November 21, 2022¹² issuance, based on the evidence, the Board has set conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use. It is the opinion of the Board that compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

4.10 Time Limit

As required under section 48(1) of the [Waters Act](#) the Board made its decision on the Licence within nine months after receiving the complete Application.

4.11 Environmental Review (Part 5 of the MVRMA)

4.11.1 Preliminary Screening

On October 13, 2022, the Board met and based on the evidence, it is the Board's opinion that the proposed additional watercourse crossing Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed additional watercourse crossing Project to Environmental Assessment.¹³

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

¹¹ See MLWB Online Registry for Imperial Oil Limited – [Issuance RFD](#) – Nov21_21

¹² See MLWB Online Registry for Imperial Oil Limited – [Issuance RFD](#) – Nov21_21

¹³ See MLWB Online Registry for Imperial Oil Limited – Amendment – [Preliminary Screening Determination and RFD](#) – Oct13_22

5.0 Decision – Water Licence MV2021L1-0009

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#) and the [Waters Act](#), the Board has determined that the amended Licence MV2021L1-0009 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board’s determinations and reasons for this decision are set out below.

The amended Licence has been developed to address the Board’s statutory responsibilities; to protect the receiving environment and minimize potential adverse effects on other water users; and to address issues within the Board’s jurisdiction that were identified and investigated during the regulatory proceeding.

In amending the Licence, the Board kept the Licence format and layout largely unchanged. Where appropriate, the Board updated existing standard conditions using the LWBs’ [Standard Water Licence Conditions Template](#) (Standard Licence Conditions). Where applicable, the Board also considered the Standard Licence Conditions in developing new conditions or amending existing conditions to reflect the changes to the Project.

The Standard Licence Conditions have been established by the Land and Water Boards (LWBs) based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs’ authority;
- Has a clear purpose and rationale;
- Is practical and enforceable; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Licence Conditions include general rationale for each standard condition, and as such, the updates to standard conditions are only discussed in detail in these Reasons for Decision when the updates specifically relate to concerns or recommendations raised during the regulatory proceeding. The Board’s reasons for developing new and amending existing Project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below. Conditions that were not changed are generally not discussed in these Reasons unless they were the subject of concerns raised during the proceeding.

5.1 Part A: Scope and Defined Terms

Part A of the Licence contains the scope and the defined terms used throughout the Licence.

5.1.1 Scope

The scope of the Licence is written to ensure the Licensee is entitled to conduct activities which have been applied for and have been subject to Part 5 of the [MVRMA](#). The changes to the Project are within the existing scope of the Licence, so the Board did not make any changes to the scope

There are standard conditions in Part A that relate to general compliance with the legislation, and the Board made administrative updates to these conditions for consistency with the Standard Licence Conditions.

5.1.2 Defined Terms

The Licence includes defined terms to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Licence, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. The Board maintained of the defined terms in the Licence.

5.2 Part B: General Conditions and Schedule 1

Part B of the Licence primarily contains general administrative conditions regarding implementation of the Licence, and compliance with the Licence conditions, Board directives, and LWB policies and procedures. This section also details compliance requirements and review and revision procedures for submissions required under the Licence. These conditions are consistent with the Standard Licence Conditions and are applicable to all licences.

The Board maintained all of the conditions in this section of the Licence

Part B: ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). As required, the Licensee included an Engagement Record for the amendment in the Application,¹⁴ and the Licensee has an approved Engagement Plan, Version 1 in place under the Licence.¹⁵ The Licensee referenced this version of the Plan in the Application and did not propose changes. The Board did not receive any evidence indicating that revisions to the Plan are needed at this time, so the Board is satisfied that this version of the Plan is still appropriate for the Project activities, including the changes to the Project.

5.3 Part C: Conditions Applying to Security Requirements and Schedule 2

Under subsection 35(1) of the [Waters Act](#), the Board is authorized to require the Licensee to provide security to the Minister. Subsection 35(2) of the [Waters Act](#) specifies how the security may be applied.

Part C of the Licence sets the amount of security to be maintained by the Licensee and sets out requirements related to posting and adjusting security. As described in the Board's November ,2021 Reasons for Decision,¹⁶ a total of \$2,512,462.00 was required under the Licence.

¹⁴ See MLWB Online Registry for Imperial Oil Limited – Amendment – [Engagement Record V1](#) – Aug29_22.

¹⁵ See MLWB Online Registry for Imperial Oil Limited – [Engagement Plan V1](#) – Sep16_21.

¹⁶ See MLWB Online Registry for Imperial Oil Limited – [Reasons for Decision](#) – Nov12_21

In the Application, the Licensee indicated that the changes to the Project do not affect estimated liabilities and closure costs associated with the Project, and that the current closure cost estimate remains applicable. During the regulatory proceeding, the Board did not receive any recommendations to adjust the security, so the Board has maintained the existing security requirements. Based on the information currently available, the Board is satisfied that maintaining the security requirements ensures that sufficient financial resources will be in place in advance of any liabilities that will be incurred. As per the ADJUSTED SECURITY AMOUNT condition, the Board may adjust the amount of security required in the Licence based on an updated closure cost estimate and/or other available information.

5.4 Part D: Conditions Applying to Water Use

Part D of the Licence contains conditions related to water use for the Project.

The Licensee did not propose any changes to water use, so the Board maintained all the existing conditions in this section.

Through the review, GNWT requested that the Board include a condition relating to the volume of water being withdrawn from any single ice-covered watercourse. The conditions proposed:

In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the instantaneous flow of Water from any Watercourse, as calculated.

The Board has included the condition as it relates to the project and to ensuring that the volume withdrawal is appropriate for the watercourse.

5.5 Part E: Conditions Applying to Construction

Part E of the Licence contains conditions applying to Construction activities for the Project.

The Licensee did not propose any changes that affect the conditions in this section, so the Board maintained all the existing conditions.

5.6 Part F: Conditions Applying to Waste and Water Management

Part F of the Licence contains conditions applying to waste and water management activities for the Project.

The Licensee did not propose any changes that affect the conditions in this section, so the Board maintained all the existing conditions.

Management Plans and Monitoring Programs

Part F: WASTE MANAGEMENT PLAN

The Licensee has an approved Waste Management Plan (WMP), Version 1 in place under the.¹⁷

The Licensee referenced this version of the WMP in the Application and did not propose changes. The Board did not receive any evidence indicating that revisions to the WMP are needed at this time, so the Board is satisfied that this version of the WMP is still appropriate for the Project activities, including the changes to the Project.

5.7 Part G: Conditions Applying to Aquatic Effects Monitoring Program

Not applicable to the Licence

5.8 Part H: Conditions Applying to Spill Contingency Planning

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Project. The Licensee did not propose any changes that affect the conditions in this section, so the Board maintained all the existing conditions.

Part H: SPILL CONTINGENCY PLAN

The Licensee has an approved Spill Contingency Plan (SCP), Version 1 in place under the Licence.¹⁸

The Licensee referenced this version of the SCP in the Application and did not propose changes. The Board did not receive any evidence indicating that revisions to the SCP are needed at this time, so the Board is satisfied that this version of the SCP is still appropriate for the Project activities, including the proposed changes to the Project.

5.9 Part I: Conditions Applying to Closure and Reclamation and Schedule 3

Part I and Schedule 3 of the Licence contain conditions applying to closure and reclamation, including progressive reclamation of the Project. The Licensee did not propose any changes that affect the conditions in this section, so the Board maintained all the existing conditions.

5.10 Part J: Conditions Applying to Water Course Crossings

Part J of the Licence contain conditions applying to water cross crossings. The Licensee did not propose any changes that affect the conditions in this section, so the Board maintained all the existing conditions.

¹⁷ See MLWB Online Registry for Imperial Oil Limited–[Waste Management Plan V1](#) –Sept10_21.

¹⁸ See MLWB Online Registry for Imperial Oil Limited –[Spill Contingency Plan V1](#) –Sept10_21.

5.11 Annex A: Table of Submissions

Annex A of the Licence contains a table that summarizes the submissions required by the Licence conditions. No updates to this table were needed because there were no changes to the required submissions.

5.12 Annex B: Table of Revision History

Annex B of the Licence contains a table which identifies updates and tracks changes made to the Licence. This table has been updated to reflect the amended Licence.

6.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the amended Licence, and for the reasons expressed herein, the MLWB is of the opinion that the activities, water use, and waste disposal associated with the Project can be completed by Imperial Oil Limited while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Water Licence MV2021L1-0009 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of Imperial Oil Limited’s use of the water as authorized by the Licence.

SIGNATURE



**Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board**

October 26, 2022

Date