



THE SAHTU SECRETARIAT INCORPORATED

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May 25, 2022

Ms. Joanne Deneron
Chair
Mackenzie Valley Review Board

Re: Application for Amendment to Norman Wells Operation (NWO) Water Licence S13L1-007 to Include a Waste Management Facility

I am writing in my capacity as Chair of the Sahtu Secretariat, Inc (SSI), the regional land claim body in the Central Mackenzie Valley, to inform you of our referral of the above-named project to Environmental Assessment as provided for under S126 (2) (b) of the *Mackenzie Valley Resource Management Act*.

A brief discussion of the reasons for our referral, and the extent of it, follow.

1. Incrementalism

SSI is concerned 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.

Such an approach could lead to decisions being made that act to limit options for subsequent steps.

As an example, the proposed capacity of the WMF including both Phase 1 and Phase 2 does not appear to include any consideration of the removal of the six artificial islands constructed in the Mackenzie River in 1983 and 1984 by Imperial Oil.¹

This capacity limitation is consistent with Amec Foster Wheeler's statement that "*Imperial has examined various alternatives for post closure disposition of the Artificial Islands and concluded that the preferred approach will likely be to let natural erosional displacement processes of the Mackenzie River return the sands in the core of the islands to the riverbed after removal of all or portions of the existing island armouring.*"²

¹ Application to Amend CER Operations Authorization OA-1210-001 to Incorporate a Waste Management Facility, Wood Environmental & Infrastructure Solutions, September 2021

² Imperial Oil Limited Norman Wells Operations Interim Closure and Reclamation Plan, Amec Foster Wheeler, March 2016, p.149

The Amec Foster Wheeler report goes on to say that “[t]he *Partial Dismantlement and Passive Erosion* alternative was selected to strike a reasonable balance between cost and the time lag associated with developing a comparatively stable riverbed and bank topography.”³

While it is not clear if the statement above was selected by IOL or by Amec, it does appear that a decision to leave the Artificial Islands intact and dependent on multi-year erosion has been made by someone.

The proposed size limits of the WMF reflect this decision and, if permitted under the sought amended Operations Authorization, would effectively limit the addition of further material resulting from the removal of the Artificial Islands by short-term mechanical rather than long-term erosional means.

Thus, the physical removal of the Artificial Islands by means other than IOL’s selected method, a decision that should be made following additional hydrographic, environmental and cultural studies, conducted during an environmental assessment process, has been effectively removed from consideration.

2. Artificial Islands

SSI believes the issue of the future of the Artificial Islands is worth further study in order to better understand the choice between removing them or leaving them to erode over time. (it is noted that nowhere in its submission has IOL or its contractors provided a time estimate for successful erosion).

A cursory visual inspection of the existing islands shows they are experiencing accretion at their downstream extent.

Removing the upstream protection as proposed by IOL while leaving the islands in place could result in a series of “moving islands” with the upstream boundary eroding and the downstream one accreting, effectively relocating the island footprint.

The impacts on the flow of the Mackenzie of such a situation are unknown. Current and past studies of the Islands have only dealt with them *in situ*.

Sahtu communities downstream from Norman Wells could be affected to some degree by any changes to the flow and they should be afforded an opportunity to express their concerns with IOL’s proposed treatment of the Artificial Islands.

While SSI does not purport to speak on behalf of the Gwich’in Tribal Council, it does note that the *Nagwichoonjik* National Historical site, a 175 km section of the Mackenzie River extending from the Thunder River confluence downstream to Point Separation, is of particular historical and cultural importance to the community of Tsiigehtchic, and any possible impacts on the river flow would need to be acceptable to the residents of that community.

³ Ibid, p. 151

3. Colonialism by any Other Name

In addition to reviewing the specific tasks associated with the closure and reclamation of the Norman Wells oilfield, SSI believes a well-designed environmental assessment process will help all parties, Imperial Oil, Canada and the Sahtu, to better understand their relationship with, and responsibilities to, each other.

At first glance, this seems an unusual reason for an environmental assessment but it flows from, and in response to, the following statement:

*“Imperial explained the impacts and downsides associated with transporting anything (in this case, soil) great distances by barge and over tundra, as well as the cost implications. Also noted that the waste was generated from Norman Wells Operations, and a made-in-the-north solution is appropriate rather than expecting the south to accept the north’s waste.”*⁴

SSI considers this statement to be a most egregious one, bordering on colonialism.

Imperial Oil has been active in the Sahtu for just over one hundred years now and has benefitted handsomely, with Canada, from its Norman Wells oilfield operations.

The returns to Imperial were modest in the early years but the expansion years brought hundreds of millions of dollars to both the company and to Canada, the latter as a one-third beneficiary of the revenues.

As an example, as shown in the Public Accounts the Government of Canada’s share of revenues from the oilfield amounted to \$30 million in 1995; \$100 million in 1996; and \$107 million in 1997. The sums go on and on.

Given that these sums represented Canada’s one third share, a rough estimate would put Imperial’s two-thirds’ share at double those amounts.

Given, further, that Canada and ultimately, Imperial Oil, were able to access these benefits by virtue of a treaty that effectively transferred the ownership of the Sahtu subsurface lands from their original Indigenous owners to the Crown, SSI can only be astonished at the statement referenced above.⁵

SSI believes that Imperial Oil’s full Closure and Reclamation plan needs to be looked at to remove any trace of the kind of thinking found in the quoted statement and to ensure that such thinking does not influence the remediation work to the detriment of the Sahtu Region and its people.

Such thinking reflects badly on the company and makes light of the sacrifices the people of the Sahtu have made over the past one hundred years.

⁴ Imperial Norman Wells Waste Management Facility – Norman Wells Engagement Summary, page 2 & page 6

⁵ Treaty Research Report, Treaty No. 11, (1921), Coates and Morrison

4. Conclusion

For the reasons outlined above, SSI believes that the application for an amendment to the Operations Authority sought by Imperial Oil should be subject to an environmental assessment.

SSI further believes that such an environmental assessment should not be limited to just the WMF as to do so risks focusing on the specific to the detriment of the general.

In addition, SSI recommends that a “Preparing to Leave” process be initiated among Sahtu, Canada, the Government of the Northwest Territories and Imperial Oil so that the four parties can determine how best to prepare for, respond to and benefit from the end of the company’s activities in the region.

The *Re-imagining Closure* collaborative visioning exercise for NWT diamond mines being led by DeBeers and Diavik Rio Tinto could provide a useful starting model here.

Yours very truly,



Charles McNeely
Chair, SSI

cc SSI Board Members