



July 29, 2022

Mr. Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
Via email: mcliffephillips@reviewboard.ca

Dear Mr. Mark Cliffe-Phillips:

Notice of Preliminary Screening Decision for Pesticide Application Permit – Midnight Petroleum Ltd.

The Department of Environment and Natural Resources (ENR) has completed the preliminary screening of the referenced application (Development) in accordance with its responsibilities under subsection 124(1) and subsection 125(1) of the *Mackenzie Valley Resource Management Act* (MVRMA).

ENR has determined that the proposed Development will not be a cause of public concern and will not have a significant adverse impact on the environment. Therefore, ENR has decided not to refer the proposed Development to environmental assessment. ENR's reasons for decision, as required by section 121 of the MVRMA, are attached for your reference.

Unless the Mackenzie Valley Environmental Impact Review Board, or another party with the authority to do so, refers the proposed Development to an environmental assessment, ENR will proceed with the next stages of issuing the Pesticide Application Permit to Midnight Petroleum Ltd. after the ten-day pause period has expired.

If you have any questions, please do not hesitate to contact me at harvey_gaukel@gov.nt.ca or (867) 767-9236 Ext. 53184.

Sincerely,

Harvey Gaukel
Manager, Environmental Protection
Environment and Natural Resources

.../2

Attachment

c. Bruno Croft, Regional Superintendent, North Slave Region
Environment and Natural Resources

Tony Vermillion, Regional Superintendent, South Slave Region
Environment and Natural Resources

Laurie McGregor, A/Manager, Environmental Impact Assessment
Environment and Natural Resources

Ian McDonald, President
Ace Vegetation Service

PRELIMINARY SCREENING REPORT FORM

PRELIMINARY SCREENER:

Government of the Northwest Territories
Environment and Natural Resources
Environmental Protection Section

PROPONENT NAME: Midnight Petroleum Ltd.**PROJECT NAME:** Pesticide Application Permit**PART 1:****Type of Development:**

(check all that apply)

☒

New Development

☐

Amendment

☐

Renewal

☒

Authorization required

☐

Does not require an authorization

Project Summary

On behalf of Midnight Petroleum Ltd., Ace Vegetation Service will conduct industrial vegetation control by mechanical and herbicide means. For the mechanical work, they will be using brush saws and weed trimmers. For herbicide application, they will be using a truck mounted spray tank and a backpack mounted sprayer. They will undertake this work throughout the Midnight Petroleum operated tank facilities at 125 Eagle Drive in Yellowknife, NT, and 38 Highway 5 in Fort Smith, NT. All work will be performed by trained and certified contractors.

Scope

Perform vegetation control using herbicides and hand operated equipment to remove all undesirable and noxious vegetation from tank facilities. The presence of nuisance, noxious weeds, invasive plants and tall growing vegetation on the facility and under pipelines can reduce and limit the safe operation and becomes a hazard when accessing for maintenance or emergency response, and therefore must be removed. All vegetation control measures using herbicides will be in accordance with the *Pesticide Act* and Pesticide Regulations.

Type of ENR Authorization

(check the authorization that applies)

☐

Forest Management Agreements

☐

Timber Cutting Permit (>5000m³ burned wood or > 1100 m³ of other timber)

☐

Timber Cutting Licence

☐

Mill Licence

☐

Burning Permits (area > 25m³)

☒

Pesticide Application Permit

☐

Harvest of Wildlife for a Commercial Purpose

- ☐ Wildlife Business Licence
- ☐ Commercial Wildlife Licence
- ☐ Game Farm Licence
- ☐ Wildlife Management Permit
- ☐ General Wildlife Permit
- ☐ Licence to Capture Wildlife
- ☐ Licence to Capture Gyrfalcons for Commercial Purposes
- ☐ Licence to Import Live Wildlife
- ☐ Licence to Export Live Wildlife
- ☐ Licence to a Reindeer Owner for Grazing Allotment within a Reserve

- ☐ Protected Area Land Withdrawal
- ☐ Territorial Park

- ☐ Non-Application
- ☐ Other _____

Principal Activities

(check all that apply)

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Construction | <input type="checkbox"/> Exploration | <input type="checkbox"/> Aerial |
| <input type="checkbox"/> Decommissioning | <input type="checkbox"/> Installation | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Abandonment | <input checked="" type="checkbox"/> Maintenance | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Expansion | <input type="checkbox"/> Harvesting | <input type="checkbox"/> Solid Waste |
| <input checked="" type="checkbox"/> Operation | <input type="checkbox"/> Camp | <input type="checkbox"/> Sewage |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Scientific/ Research | <input type="checkbox"/> Water Intake |
| <input type="checkbox"/> Linear / Corridor | <input type="checkbox"/> Municipal | <input type="checkbox"/> Quarry |
| <input type="checkbox"/> Other: <u>Maintenance of Midnight Petroleum Ltd. loading terminals and tank farms.</u> | | |

Principal Development Components:

- | | |
|--|--|
| <input type="checkbox"/> Abandonment/removal | <input type="checkbox"/> Disposal of hazardous waste |
| <input type="checkbox"/> Access Road | <input type="checkbox"/> Disposal of sewage |
| <input type="checkbox"/> Automobile, Aircraft or Vessel Movement | <input type="checkbox"/> Ditch Construction |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Drainage Alteration |
| <input type="checkbox"/> Borehole core sampling | <input type="checkbox"/> Drilling other than Geoscientific |
| <input type="checkbox"/> Building | <input type="checkbox"/> Ecological Surveys |
| <input type="checkbox"/> Bulk soil sampling | <input type="checkbox"/> Excavation |
| <input type="checkbox"/> gravel | <input type="checkbox"/> Explosive Storage |
| <input type="checkbox"/> hydrological testing | <input type="checkbox"/> Fuel Storage |
| <input type="checkbox"/> site restoration | <input type="checkbox"/> Geoscientific sampling |
| <input type="checkbox"/> fertilization | <input type="checkbox"/> Modification e.g., widening, straightening |
| <input type="checkbox"/> grubbing | <input type="checkbox"/> Sewage |
| <input type="checkbox"/> planting/seeding | <input checked="" type="checkbox"/> Slashing and removal of vegetation |
| <input type="checkbox"/> reforestation | <input type="checkbox"/> Soil Testing |
| <input type="checkbox"/> scarify | <input type="checkbox"/> Stream Crossing/Bridging |

- | | |
|---|--|
| <input checked="" type="checkbox"/> spraying | <input type="checkbox"/> Waste management |
| <input type="checkbox"/> recontouring | <input type="checkbox"/> Waste generation |
| <input type="checkbox"/> Burning | <input type="checkbox"/> Topsoil, Overburden or Soil |
| <input type="checkbox"/> Burying | <input type="checkbox"/> disposal |
| <input type="checkbox"/> Channeling | <input type="checkbox"/> fill |
| <input type="checkbox"/> Construction | <input type="checkbox"/> removal |
| <input type="checkbox"/> Cut and Fill | <input type="checkbox"/> storage |
| <input checked="" type="checkbox"/> Cutting of Trees or Removal of Vegetation | <input type="checkbox"/> Trenching |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Tunneling/Underground |
| <input type="checkbox"/> Abandonment/Removal | <input type="checkbox"/> Other (describe): |
| <input type="checkbox"/> Modification | |

PART 2:

NTS Topographic Map Sheet Numbers (List all that apply)

Yellowknife - 085J08

Fort Smith - 075D04

NTS Map Sheet #s:

Latitude / Longitude and UTM System:

Yellowknife 62°27'3.564"N, 114°28'19.0992"W

Fort Smith 60°0'1.1772"N, 111°52'8.6592"W

Nearest Community and Water Body:

Located within Yellowknife City limits, on Eagle drive.

Grace Lake is less than 5km away, and several smaller unnamed bodies of water are within 5km.

Located within Fort Smith Town limits, on Highway 5.

Slave River is less than 2km away.

Land Status

- | | |
|---|---|
| <input checked="" type="checkbox"/> Free Hold / Private | <input type="checkbox"/> Federal Crown Land |
| <input type="checkbox"/> Commissioners Land | <input type="checkbox"/> Municipal Land |

Transboundary Implications

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> British Columbia | <input type="checkbox"/> Alberta | <input type="checkbox"/> Saskatchewan |
| <input type="checkbox"/> Manitoba | <input type="checkbox"/> Nunavut | <input type="checkbox"/> Yukon |
| <input type="checkbox"/> Wood Buffalo National Park | <input type="checkbox"/> Inuvialuit Settlement Region | |

Type of Transboundary Implication:

- | | | |
|--|--------------------------------------|--|
| <input type="checkbox"/> Impact / Effect | <input type="checkbox"/> Development | <input type="checkbox"/> Public Concern: |
|--|--------------------------------------|--|

Describe: _____

PART 3:

PHYSICAL - CHEMICAL EFFECTS

IMPACT

MITIGATION

CONDITION

1. Ground Water

☐ water table alteration

☐ water quality changes

☐ infiltration changes

☐ other

☒ N/A

No impacts are expected based on the proposed development or associated activities.

IMPACT

MITIGATION

CONDITION

2. Surface Water

☐ flow or level changes

☐ water quality changes

☐ water quantity changes

☐ drainage pattern changes

☐ temperature

☐ wetland changes /loss

☐ other:

☒ N/A

No impacts are expected based on the proposed development or associated activities. Grace Lake is less than 5km away from the Yellowknife site with several smaller unnamed bodies of water are within 5km. The Slave River is less than 2km away from the Fort Smith site.

IMPACT**MITIGATION****CONDITION****3. Noise**☐ noise in/near water☐ other: noise increase☒ N/A

No impacts are expected based on the proposed development or associated activities. Cutting and spraying noise will be short-term and localized to the tank facilities and immediate areas in their respective industrial zones.

IMPACT**MITIGATION****CONDITION****4. Land**☐ geologic structure changes☐ soil contamination☐ buffer zone loss☐ soil compaction & settling☐ Destabilization/erosion☐ permafrost regime alteration☐ other:☒ N/A

No impacts are expected based on the proposed development or associated activities.

IMPACT**MITIGATION****CONDITION****5. Non-Renewable Resources**☐ resource depletion☐ other:☒ N/A

No impacts are expected based on the proposed development or associated activities.

IMPACT**MITIGATION****CONDITION****6. Air/Climate/Atmosphere**☐ other☒ N/A

No impacts are expected based on the proposed development or associated activities.

BIOLOGICAL ENVIRONMENT

IMPACT

MITIGATION

CONDITION

7. Vegetation

- ☐ species composition
- ☐ species introduction
- ☐ toxic/heavy accumulation

☒ other:

Chemical and mechanical control of undesirable and noxious vegetation is limited to the Midnight Petroleum Facilities. Risk of run-off and spray drift is mitigated by using proper spray techniques, low-risk herbicides, establishing and working within buffer zones in accordance with legislation, and only spraying in suitable weather conditions.

☐ N/A

IMPACT

MITIGATION

CONDITION

8. Wildlife & Fish

- ☐ effects on rare, threatened or endangered species
- ☐ fish population changes
- ☐ waterfowl population changes
- ☐ breeding disturbance
- ☐ population reduction
- ☐ species diversity change
- ☐ health changes

- ☐ behavioural changes
- ☐ habitat changes / effects
- ☐ game species effects
- ☐ toxins / heavy metals
- ☐ forestry changes
- ☐ agricultural changes
- ☐ other:

☒ N/A

No impacts are expected based on the proposed development or associated activities.

INTERACTING ENVIRONMENT

IMPACT

MITIGATION

CONDITION

9. Habitat & Communities

- ☐ predator-prey
- ☐ wildlife habitat/ecosystem
- ☐ composition changes
- ☐ keystone/endangered species
- ☐ wildlife corridor/buffer zone
- ☐ other:

☒ N/A

No impacts are expected based on the proposed development or associated activities.

IMPACT**MITIGATION****CONDITION****10. Social and Economic**

- ☐ planning / zoning changes or conflicts
- ☐ increase in urban facilities or services use
- ☐ rental house
- ☐ airport operations / capacity changes
- ☐ human health hazard
- ☐ impair the recreational use of water or aesthetic quality
- ☐ affect water use for other purposes
- ☐ affect other land use operations
- ☐ quality of life changes
- ☐ public concern
- ☐ other:
- ☒ N/A

No impacts are expected based on the proposed development or associated activities. The permit holder will be required to post signs warning workers and the public that pesticide spraying is taking place in the area. Public access will also be restricted during and after the spraying.

IMPACT**MITIGATION****CONDITION****11. Cultural and Heritage**

- ☐ affects to historic property
- ☐ increased economic pressure on historic properties
- ☐ change to or loss of historic resources
- ☐ change to or loss of archaeological resources
- ☐ increased pressure on archaeological sites

☐ change to or loss of aesthetically important site

☐ affects to aboriginal lifestyle

☐ other:

☒ N/A

No impacts are expected based on the proposed development or associated activities.

PART 4:

PRELIMINARY SCREENER / Distribution List

Grand Chief Jackson Lafferty	Tłıchǫ Government
Chief Louis Balsillie and Council	Denínu Kúé First Nation
Chief Fred Sangris and Council	Yellowknives Dene First Nation (Ndilǫ)
Chief Edward Sangris and Council	Yellowknives Dene First Nation (Dettah)
Chief Darryl Marlowe and Council	Lutsel K'e Dene First Nation
Chief David Poitras	Salt River First Nation #195
Chief Gerry Cheezie	Smith's Landing First Nation
President Allan Heron	Fort Smith Métis Council
President Garry Bailey	Northwest Territory Métis Nation
Vice-President Marc Whitford	North Slave Métis Alliance
Shelagh Montgomery Executive Director	Mackenzie Valley Land and Water Board
Mark Cliffe-Phillips Executive Director	Mackenzie Valley Environmental Impact Review Board
Sheila Bassi-Kellett Senior Administrative Officer	City of Yellowknife
Cynthia White	Town of Fort Smith

Senior Administrative Officer

John Ritchie
Assistant Fire Marshal

Municipal and Community Affairs

TJ Moore
Assistant Fire Marshal

Municipal and Community Affairs

Adrian Paradis
Senior Project Manager
Maggie Collins
Manager, Communications

Northern Projects Management Office

Workers' Safety and Compensation Commission

Central Mail

Department of Fisheries and Oceans Canada

Central email

Environment and Climate Change Canada

Erin Goose
Environmental Regulatory Analyst

Environment and Natural Resources

Part 5:

PRELIMINARY SCREENING COMMENTS

Table 1. Preliminary Screening comments for the proposed Pesticide Application Permit

Organization	Impact/Concern	Mitigation
No concerns expressed to ENR.		

REASONS FOR DECISION

(LIST REASONS AND SUPPORTING RATIONALE FOR PRELIMINARY SCREENING DECISION)

DECISION:

The Department of Environment and Natural Resources (ENR) is satisfied that the preliminary screening of application for a Pesticide Application Permit by Midnight Petroleum Ltd. for industrial vegetation control at their Tank Facility in the North Slave and South Slave Administrative Regions has been completed in accordance with Section 125 of the *Mackenzie Valley Resource Management Act*.

ENR is satisfied that a reasonable period of notice (21 days) was given to Communities and Indigenous Governments affected by the application as required by Subsection 63(2) of the *MVRMA* so that they could provide comments to ENR.

Having reviewed all relevant information in the application, including the submissions of the Applicant, and the absence of any written comments, ENR has decided that in its opinion that:

- there is no likelihood that the proposed development might have a significant adverse impact on the environment; and
- there is no likelihood that the proposed development might be a cause of public concern.

ENR is also of the opinion that the application can proceed through the regulatory process and that any impacts of the development on the environment can be mitigated through the imposition of the terms and conditions in the Pesticide Application Permit.

As a result, ENR, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope and intent of the *Mackenzie Valley Resource Management Act* and the Mackenzie Valley Land Use Regulations has decided that this Pesticide Application Permit be issued subject to the terms and conditions contained therein.

?	PRELIMINARY SCREENING DECISION
<input type="checkbox"/>	Outside Local Government Boundaries
<input type="checkbox"/>	The development proposal might have a significant adverse impact on the environment, <i>refer it to the Mackenzie Valley Environmental Impact Review Board (Review Board).</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the Review Board.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	Wholly within Local Government Boundaries
<input type="checkbox"/>	The development proposal is likely to have a significant adverse impact on air, water or renewable resources, <i>refer it to the Review Board.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the Review Board.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>

Preliminary Screening Organization

Department of Environment and Natural Resources

Signatures



