

7th Floor - 4922 48th Street  
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610  
www.mvlwb.com

March 27, 2023

File: MV2023H0003

Mark Cliffe-Phillips  
Mackenzie Valley Review Board  
200 Scotia Centre  
Box 938, 5102-50th Avenue  
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

**Re: Suncor Energy Products Partnership – Notice of Preliminary Screening Determination – Application for Land Use Permit – Fuel Tank Replacement – Hamlet of Enterprise, NT**

The Mackenzie Valley Land and Water Board (Board) met on March 23, 2023 and considered the Application Package from Suncor Energy Products Partnership (Suncor) for Land Use Permit (Permit) MV2023H0003 for the Fuel Tank Replacement near the Hamlet of Enterprise (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2023H0003 on **Friday April 7, 2023**.

The Board and staff look forward to continued communications throughout the pause period. Please contact [Shelagh Montgomery](#) in writing or at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,

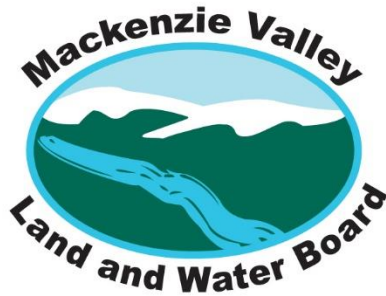


Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: MVLWB – Dehcho Distribution List  
David Wilson – Suncor Energy Products Partnership  
Zsafia Krinbill – Consultant to Suncor Energy Products Partnership

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
File Number	MV2023H0003
Company	Suncor Energy Products Partnership
Project	Fuel Tank Replacement
Location	Hamlet of Enterprise, NT
Activity	Fuel Storage Site
Date of Decision	March 23, 2023

### 1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Mackenzie Valley Land and Water Board (MVLWB or Board) met on March 23, to make a preliminary screening determination on the Application from Suncor Energy Products Partnership (Suncor or Applicant) for Land Use Permit MV2023H0003 (Permit)<sup>1</sup> for the fuel tank replacement (Project).

The Board has decided not to refer the proposed Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board's opinion that the proposed Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern.

The Board's determinations, including reasons for its decisions, are detailed in sections [3.0](#) and [4.0](#).

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<sup>1</sup> See MVLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for Suncor Energy Products Partnership - Permit Application - [Feb 8 23](#).

## 2.0 List of Defined Terms and Acronyms

Applicant	Suncor Energy Products Partnership
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023H0003.
Board	Mackenzie Valley Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
GNWT-Lands	Government of the Northwest Territories – Lands
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Party	As per the MVLWB <a href="#">Rules of Procedures</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Fuel Tank Replacement, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>2</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	MVLWB <a href="#">Standard Land Use Permit Conditions Template</a>

## 3.0 Background and Scope of Screening

On January 23, 2023, Suncor Energy Products Partnership (Suncor) submitted a Land Use Permit (Permit) Application. On February 1, 2023, the Application was deemed incomplete, and Suncor submitted additional information on February 8, 2023. The Application was deemed complete, and review commenced on February 9, 2023.

Suncor is planning to replace an existing 75,000L fuel tank with a new 100,000L fuel tank at their card lock location in the Hamlet of Enterprise. The new fuel tank will have an upgraded dispenser monitoring system, which would continuously monitor the tank level and would detect leaks. Site electrical will be upgraded and existing lighting will be upgraded to LED lighting.

A 50,000L fuel tank will be brought to site and used temporarily to maintain operations during the course of construction. This tank will be removed once the new 100,000L permanent tank is in operation. The existing 75,000L fuel tank will be decommissioned and transported to a disposal facility in Alberta.

It is anticipated that activities would occur over a 40-day period.

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<sup>2</sup> “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

Apart of the Application was an Engagement Record and Engagement Plan that noted, through a combination of emails and phone calls/video calls on a number of occasions, this Application was discussed with Parties in the Dehcho region, including the following:

Acho Dene Koe First Nation	Fort Providence Resource Management Board	Northwest Territory Metis Nation
Deh Cho Land Use Planning Committee	Fort Simpson Metis Local 52	Pehdzeh Ki First Nation
Deh Gah Got'ie Dene Council	Hamlet of Fort Providence	Ross River Dene Council
Hamlet of Enterprise	Hamlet of Fort Resolution	Sambaa Ke First Nation
Hamlet of Fort Liard	Ka'a'gee Tu First Nation	Tliche Lands Protection Department
Dene Nation	K'atl'odeeche First Nation	Town of Hay River
Dene tha' First Nation	Liard First Nation	Ttsets'ek'ehdeli First Nation
Deninu K'ue First Nation	Liidlili Kue First Nation	West Point First Nation
Digaa Enterprises Ltd.	Naha Dehe Dene Band	
Fort Providence Metis Council #57	North Slave Metis Alliance	

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

By March 2, 2023, the Board received comments and recommendations regarding the Application from the following Parties: Government of the Northwest Territories – Department of Lands (GNWT-Lands) and Board staff. GNWT-Environment and Natural Resources submitted a letter stating they had no comments or recommendations for the Board's consideration. Suncor responded on March 8, 2023.

In accordance with paragraph 125(2)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed Project to determine and report to the Review Board whether, in its opinion, the proposed Project is likely to have a significant adverse impact on air, water, and/or renewable resources, or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

### **3.1 Scope of Screening:**

This operation is located in the Hamlet of Enterprise, at an existing card lock location with a 75,000L fuel tank. A 50,000L fuel tank will be brought to site and used temporarily to maintain operations during the course of construction. This tank will be removed once the new 100,000L permanent tank is in operation and the 75,000L fuel tank will be decommissioned and transported to a disposal facility in Alberta.

### **3.2 Public Record and Regulatory Proceeding**

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft Permit for public review on February 9, 2023, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and

mitigation measures) using the Online Review System (ORS). Comments were due March 2, 2023, with responses from the Applicant due March 9, 2023. The Board received comments and recommendations from the Government of the Northwest Territories – Department of Lands (GNWT-Lands) and GNWT-Environment and Natural Resources (attached).<sup>3</sup> Board staff also submitted comments and questions for the purposes of clarification.

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA.

Pursuant to section 27, paragraphs (a) and (b) of the Dehcho First Nations (DCFN) Interim Measures Agreement, the Board has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN to make representations with respect to the Application.

#### **4.0 Potential Impacts and Proposed Mitigations**

All Parties have had an opportunity to provide recommendations to the Board regarding draft conditions. In finalizing the conditions, the Board will consider these recommendations and all of the evidence provided through the regulatory proceeding.

Table 1 below summarizes:

- the potential impacts of the proposed Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board's analysis of the potential impacts and proposed mitigations.

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<sup>3</sup> See MVLWB Online Registry for Suncor Energy Products Partnership – Review Comment Summary Table – [March 9, 2023](#).

**Table 1: Potential Impacts and Proposed Mitigations for the Proposed Project**

Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Soil contamination	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed proposed.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<sup>4</sup> <ul style="list-style-type: none"> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.</p>
Soil compaction	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• Soil compaction is unlikely to occur as the fuel tank replacement will be completed on already disturbed lands.</li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.</p>

<sup>4</sup> See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Changes in water quality - Groundwater	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed proposed.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.</p>
Changes in water quality – Surface Water	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed proposed.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>○ FUEL STORAGE SETBACK</li> <li>○ FUEL CACHE SECONDARY CONTAINMENT</li> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The location of the proposed project is not located within close proximity to a body of water. The nearest surface water is approximately 1.4km to the West, 0.68km NE, and 0.83km East.</p>
Changes in air quality, GHG	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• Temporary, localized air emissions from the use of equipment. Greenhouse gases released during operation of the equipment will lead to a minimal increase in greenhouse gases.</li> <li>• It is anticipated that activities will occur over a 40-day period.</li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p>



Potential Impact	Activity	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
			The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.
Human-wildlife conflicts	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• Potential for conflict to increase during operation of the proposed project. Animal proof waste containers will be used for all garbage that may attract animals. Activities to stop if wildlife is observed in the area.</li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.</p>
Increased human health hazard and risk	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• In the event of a spill, protocols identified in the Spill Contingency Plan will be followed proposed.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.</p> <p>The proposed project involves a small footprint on already disturbed lands, an existing card lock location, for a short period of time.</p>
Economic opportunities or losses (employment, training)	Use of equipment, fuel tank replacement	<ul style="list-style-type: none"> <li>• Some equipment and personnel will be from Hay River.</li> </ul>	Based on the described mitigations, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on air, water, renewable resources, and/or will not be a cause of public concern.

#### 4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project is likely to have a significant adverse impact on air, water, and/or renewable resources. In general, impacts of the Project on the air, water, and/or renewable resources can be mitigated through the use of standard permit conditions and/or project-specific conditions established by the Board as per the MVLWB [Standard Process for Creating New Conditions](#). These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board considered all of the evidence provided through the regulatory proceeding.

#### 4.2 Consideration of Public Concern

In addition to considering the potential impacts of the Project, the Board considered whether the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

#### 5.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern, as set out in paragraph 125(2)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.

If the Board does not receive a notice of referral to environmental assessment by April 6, 2023, the Board can issue the Permit on April 7, 2023.

SIGNATURE



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

March 27, 2023

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**Date**