



Prairie and Northern Region Région des Prairies et du Nord
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September 28, 2021

ELECTRONIC MAIL

Request for Provincial Input

- Jennifer Winsor, Manitoba Conservation and Climate, Jennifer.Winsor@gov.mb.ca

Dear Colleague:

Subject: Designation Request for the Proposed Vivian Sand Project under the *Impact Assessment Act*

On September 8, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Vivian Sand Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA). The letter requesting designation is attached and will be posted to the Canadian Impact Assessment Registry internet site, publicly available at <https://iaac-aeic.gc.ca/050/evaluations/proj/80974>.

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by December 7, 2021.

The Proposed Project

CanWhite Sands Corp. (the Proponent) is proposing the construction and operation of physical activities for the extraction and processing of silica sand.

On November 16, 2020, in response to prior requests for designation, the Minister responded that the designation of the Project was unwarranted. In part, there was limited information available to assess whether the extraction activities for the Project had the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects.

The Impact Assessment Agency of Canada (the Agency) understands that the Proponent has submitted new information about the extraction activities in a proposal under Manitoba's *Environment Act*, including a Hydrogeology and Geochemistry Assessment Report, which was posted on August 3, 2021 to the Manitoba Conservation and Climate public registry at <https://www.gov.mb.ca/sd/eal/registries/6119/index.html> (Public Registry #6119.00).

Designation Request

The Agency will review the new information about the Project provided through the *Environment Act* Proposal; any concerns expressed from the public and Indigenous groups; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project, the Proponent would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

The purpose of this email is to inform your ministry of the designation request and to seek your input regarding provincial regulatory processes in relation to the Project, and any associated assessment of effects and public and Indigenous consultation.

Seeking Provincial Input

The Agency is requesting that you complete and provide the attached form to pnr-rpn@iaac-aeic.gc.ca by **October 12, 2021**.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. The Agency does not accept information marked as confidential without prior contact.

Regarding your request of August 4, 2021 for review of the *Environment Act* Proposal File 6119.00, the Agency has no comments at this time. Please note that the Agency's analysis for the designation request is ongoing and its analysis report will be posted to the Canadian Impact Assessment Registry internet site by December 7, 2021.

If you have any questions regarding the designation process or the response sheet, please do not hesitate to contact Shelly Boss at 587-357-6484 or shelly.boss@iaac-aeic.gc.ca

Sincerely,

<sent electronically>

Barbara Pullishy
Regional Director, Prairie and Northern Region

Cc: Shelly Boss, Project Manager, Prairie and Northern Region

ATTACHMENT: September 28, 2021
Provincial Advice Record: Designation Request under IAA
Response requested by October 12, 2021
Vivian Sand Project

Ministry	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Ministry Contact	

Please fill out the form in relation to *Environment Act* Proposal File #6119.00, or any other new information relevant to the proposed physical activities for the extraction and processing of silica sand proposed by CanWhite Sands Corp.

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1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Projects.

 2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Projects (if different from lead contact above).

 3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Projects. For each mechanism or approval, please provide information regarding the following:
 - Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
 - Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).

 4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which projects of this nature may be

held (be specific in relation to each point below that may be applicable to your ministry's mandate):

- a. Impacts due to water withdrawal quantity
 - b. Impacts on water quality through expected or accidental release
 - c. Impacts on soil quality
 - d. Contamination of fish bearing waters
 - e. Impacts on air quality and atmospheric environment, including noise and light pollution
 - f. Impacts to human health, and socioeconomic conditions
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5. Have you received public comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

6. Have you received Indigenous community comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

7. Do you have any other information about the Projects in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

Name of responder

Title of responder

Date