

No CEC hearing for silica sand project

by JORDAN ROSS

Opponents of a proposed silica sand mining operation near Anola say they're upset by a senior bureaucrat's decision to refrain from recommending the project for Clean Environment Commission (CEC) hearings.

In a Nov. 4 letter, Shannon Kohler, director of the environmental approvals branch of the Manitoba government, said she won't recommend Conservation and Climate Minister Sarah Guillemard convene CEC hearings for the Vivian sand processing facility.

"I am confident that the environmental assessment and licensing process can proceed without a Clean Environment Commission hearing. The potential environmental effects and potential mitigation strategies are well understood; therefore, a hearing would not add any new information in that regard," Kohler wrote in the letter, which was addressed to Feisal Somji, CEO of CanWhite Sands Corp., the Calgary-based mining company behind the proposal.

Kohler said CanWhite should instead hold an "accessible public meeting" to present information and answer questions about the proposed processing facility and its licensing process, which remains ongoing. The meeting should be facilitated by a third party and include the option to attend virtually or in-person, Kohler said.

"I'm starting to feel like a fish on a hook," Don Sullivan of What the Frack Manitoba said by phone last week. "It's not the process anybody was calling for."

What the Frack is appealing Kohler's decision, along with the advocacy group Our Line in the Sand and the Provencher Green Party electoral district association (EDA). Members of the groups are also sending a flurry of letters to federal officials urging them to order a joint panel review of the project.

Sullivan said the Manitoba government shouldn't decide whether to involve the CEC until the Impact Assessment Agency of Canada (IAAC) has finished analyzing the project.

The IAAC has yet to decide whether to ask Federal Environment Minister Jonathan Wilkinson to designate the project under the Impact Assessment Act.

The silica sand deposits CanWhite wants to extract and process are buried 200 feet underground. Critics say accessing them will disturb the aquifer that supplies the Southeast with drinking water. CanWhite maintains its novel extraction method is safe.

In a statement yesterday, the company announced it had hired the engineering firm AECOM to conduct a hydrogeological study. The resulting report will be made public by the end of March.

"Once all stakeholders have had an opportunity to review the independent facts of the proposed operation, multiple public engagement sessions will be held to provide further clarification, direct questioning of independent experts and a complete overview of the operation," the company stated.

Janine Gibson, a member of both Our Line in the Sand and the Provencher Green Party EDA, said information sessions are a poor substitute for regulatory hearings.

"We're going to continue to call for a joint federal-provincial panel review process. We think it's totally warranted," Gibson said in a phone interview. "If you look at (CanWhite's) environmental assessment plan, it's full of general statements."

Sullivan said information sessions also fall short of constitutionally mandated consultations with First Nations and Metis groups that hunt, fish, or gather around Vivian.



Janine Gibson, seen here at a June protest near a CanWhite testing site in Vivian, said she is disappointed that the director of Manitoba's environmental approvals branch won't recommend Clean Environment Commission hearings for the silica sand project. JORDAN ROSS CARILLON ARCHIVES

Sullivan said the technical disclosure required during CEC hearings would provide the public with detailed information on the company's proprietary mining process.

He said the project's environmental effects, and the company's mitigation strategies, are not well understood because the province is assessing CanWhite's processing facility separate from its extraction method.

The Manitoba Metis Federation, Brokenhead Ojibway Nation, and the Manitoba Liberal Party have all criticized the move, which would allow the province to approve the processing facility before it approves the extraction method.

In his appeal letter, Sullivan wrote he has lost faith in the provincial review process "as the outcome has clearly been predetermined."

A civil servant inside Manitoba Conservation appears to harbour that same suspicion.

"As the processing plant will require that the necessary supplies of sand be secured, we recommend that the approvals associated with these two applications be linked," Kelly Leavesley, a wildlife manager with Manitoba Conservation's eastern region Integrated Resource Management Team (IRMT), wrote in a technical review published in a provincial registry.

Leavesley also noted the proposed location of the processing plant overlaps with the breeding habitat of the golden-winged warbler, a federally threatened species. Leavesley said CanWhite should work with government to "develop a clearing strategy that maintains golden-winged warbler nesting habitat in the project area."

Brian Kiss, a habitat mitigation biologist with the wildlife and fisheries branch, echoed Leavesley's concerns.

"The potential loss of nesting habitat is a concern, and should be avoided or offset during project construction activities," Kiss wrote in the technical review.

Gibson said the internal disagreement suggests the province is "overwhelmed and not communicating and not functioning well."

She added she remains hopeful that the IAAC will intervene and call hearings into the project.

RM of Springfield mayor Tiffany Fell was quoted in CanWhite's statement supporting the forthcoming study.

"Once all stakeholders have had an opportunity to review the independent facts of the proposed operation, multiple public engagement sessions will be held to provide further clarification, direct questioning of independent experts and a complete overview of the operation," Fell said.