



October 7, 2021

The Honourable Jonathan Wilkinson  
Minister of Environment and Climate Change  
[jonathan.wilkinson@parl.gc.ca](mailto:jonathan.wilkinson@parl.gc.ca)

**Re: Vivian Sand Project**

Dear Honourable Wilkinson:

We have received a letter from the Impact Assessment Agency of Canada, dated September 23, 2021, regarding the request for the proposed Vivian Sand Project (the Project) to be designated as a physical activity under the Impact Assessment Act. This is a critical designation as is the need for meaningful consultation with our people and the environmental impact review of the Project that would result. In the letter, the Agency acknowledges that the former Minister's 2020 response that the designation of the Project was unwarranted was based on limited information available to assess whether the extraction activities for the Project had the potential to cause adverse direct or incidental effects. The decision must be made based on more complete investigation and it must error on the side of caution when it comes to environmental protection and the protection of our treaty rights. Peguis First Nation joins others who have raised grave concerns regarding the effects of this Project and we ask the Minister to designate the Project under subsection 9(1) of the Impact Assessment Act.

As you know, the Manitoba government has a duty to consult with First Nations, Métis communities and other Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal right of that First Nation, Métis community or other Indigenous community. We strongly believe that the Vivian Sand Project will have an impact on the waters and lands within our traditional territory and that it will infringe upon or adversely affect the exercise of our traditional and treaty rights. To date, the Manitoba Government has not approached Peguis regarding a Section 35 consultation on this Project. Despite CanWhite statements that it is committed to "careful, thorough and professional analysis as we work through the environmental approvals with the regulator and community stakeholders" the company has not yet undertaken any meaningful consultation with Indigenous people. Of note, CanWhite makes no mention of consultation with First Nations – saying only that they "also met with residents, business owners and other interested parties to introduce ourselves and gather input on things we should consider as we develop our plan."

Treaty rights and Indigenous consultation must be a priority. The Project must also undergo a more rigorous assessment of its effects on the environment. Our experts have reviewed the materials presenting the operation of the proposed Project, including the Hydrogeology and Geochemistry report. After review of the reports released by both the proponent and Manitoba, Peguis can see clearly that this Project has the potential to affect the quality of the groundwater resources underlying our traditional territory. Because of subsidence of the land above the planned extraction area, the Project may also alter surface drainage patterns in this flat lying region.

There are three main areas that require further environmental assessment.

The reports fail to describe the *water balance* of the nested aquifer system. There is a system of four aquifers below the area (Kennedy and Woodbury, 2005). Processes such as recharge, storage, internal flow directions and the effects of withdrawals, both anthropogenic and natural, must be quantified for the aquifer system so that the effect of the mining operation on the overall system is completely understood. Based on Kennedy and Woodbury's three-dimensional modelling of the aquifer, we have concerns that the pumping rate proposed for the Project may draw down the aquifer. The effects would be significant, especially when climate change over the 20-year operating life of the mine. The assessment must include how the proposed Project fits into this hydrogeological setting and how it will affect the aquifer system now and in the future. We draw your attention to a similar proposal that was turned down by Manitoba's Clean Environment Commission in 2007 because the information was not complete. (Pembina Valley Water Cooperative Supplemental Groundwater Supply System, 2007)

Peguis has concerns about the *mining process*. We do not have confidence that a "room and pillar" style of extraction process will not cause the ground above the extracted sand to collapse. Where has this type of system been successfully tried before? No examples are presented in the report. There is potential for ground subsidence throughout the extraction site, especially if a seismic disturbance were to happen. The layer of poorly cohesive sand is 200 metres below the surface and over 20 metres thick. The current surface drainage patterns are relatively flat-lying and if subsidence of a few metres were to occur, the stream and wetland drainage patterns could be altered forever.

The *bearing capacity* of the shale aquitard above the sandstone aquifer has not been assessed. Fractures and fissures in the aquitard that set up during the sand extraction process will allow for the movement of the groundwater between the carbonate aquifer above and the underlying sandstone aquifer. Possible pathways between the surface aquifer, carbonate aquifer and sandstone aquifer need to be assessed.

Other groups have also indicated that they feel their questions have been dismissed by CanWhite or that the responses have been incomplete and worrisome. We are alarmed that so little effort has been put into identifying risks and baseline measurements to allow for monitoring on a go-forward basis should the project proceed. Surely, we are past the point when Indigenous people should be asked to simply take companies and governments at their word when they say that they will respect our people and the environment. Peguis seeks the support of the Minister to designate this Project and to carry out a full review of the project.

Sincerely,

<Original signed by>

Chief Glenn Hudson

cc: Barbara Pullishy, Regional Director, Prairie and Northern Region, Impact Assessment Agency of Canada  
Mike Sutherland, Director, Peguis Consultation & Special Projects  
Wade Sutherland, Councillor, Peguis First Nation  
Glennis Sutherland, Councillor, Peguis First Nation  
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