

Meeting between the Impact Assessment Agency (the Agency) and Manitoba Conservation and Climate (MCC)

MEETING TOPIC: VIVIAN SAND PROJECT

Meeting Date:	October 18, 2021	Teleconference Information:	N/A
Meeting Time:		Location:	MS Teams
Organizer Contact Information:	Name: Shelly Boss, Impact Assessment Agency of Canada (Agency) Email: Shelly.Boss@iaac-aeic.gc.ca Phone:		
Participants:	<u>Agency</u> Shelly Boss, Project Manager Ian Martin, Team Lead	<u>MCC</u> Laura Pyles (Acting Director) Jennifer Winsor Eshetu Beshada	

PURPOSE

- Representatives of Manitoba Conservation and Climate and the Impact Assessment Agency of Canada met to discuss the Provincial Authority Advice Record requested by the Agency in a letter dated September 18, 2021, seeking to understand provincial policies and processes for the silica sand extraction mining proposed by CanWhite Sand Corp.

AGENDA

Item	Topic	Speaker	Time (Min)
1.	Overview of provincial review and licensing process	MCC	40

SUMMARY NOTES

Summary of discussion	Action items
<p>Overview of provincial review and licensing process (Speaker: MCC)</p> <p>Projects that are defined as developments by the <i>Classes of Development Regulation</i> under Manitoba's <i>The Environment Act</i> must undergo an environmental assessment and receive a License prior to construction and operation.</p> <p>The Environmental Approvals Branch (EAB) of MCC reviews the proposals under <i>The Environment Act</i>.</p> <p>The silica sand extraction mining proposed by CanWhite Sand Corp. (the proponent) is considered a "Class 2" development as per the provincial <i>The Classes of Development Regulation</i>. Licensing for this project is handled via the Environment Act Proposal process. Class 3 projects, typically larger in scale, require that an Environmental Impact Statement (EIS) be prepared, however follow the same environmental assessment and licensing process.</p> <p>Environment Act Proposals are reviewed by a Technical Advisory Committee (TAC) with expertise appropriate to the project and potential effects, and a public comment period is held. The EAB reviews all public and TAC comments on the Environment Act Proposal and may request additional information from the proponent to address concerns. More iterations of comments and responses</p>	

can occur as necessary. For the extraction project, a 60 day comment period was held. Comments from both the technical advisory committee and the public will be posted on the public registry. The review and licensing process includes consideration of potential impacts to Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*. An initial assessment regarding consultation for the extraction project is underway by the consultation unit within the Department of Agriculture and Resource Development. It is anticipated that at least four communities will be identified for consultation. The responsible department (in this case, Agriculture and Resource Development) conducts the consultation and provides a consultation report to EAB. Approval and licensing is contingent upon review of the consultation report. Licensing can include conditions informed by consultation. Representatives from the Historic Resource Branch are part of the TAC. The provincial *Heritage Resources Act* sets out requirements in relation to heritage objects.

Timelines of the process are variable, depending in part on extent of comments and/or concerns received.

If approved, the project would receive an EA licence for the construction and operation, including with limits, terms and conditions.

Public concern during an environmental assessment may warrant a public hearing. The Director of the EAB may recommend to Manitoba's Minister of Conservation and Climate that a Clean Environment Commission (an arms-length agency) hearing be held for the proposed development. The Minister must request the Clean Environment Commission to hold a public hearing with Terms of Reference.

At the end of the hearing process, the Commission would prepare a report with recommendations for consideration in the review process. The final licensing decision on the development proposal rests with Manitoba Conservation and Climate.

For the CanWhite Sand Corp. extraction proposal, the licence would be issued for the life of the project, if approved. The proponent indicates they anticipate submitting a notice of alteration for review after taking the first 4 years of the project to refine the extraction process.

The technical review for the Environment Act Proposal for the extraction project will cover: water withdrawal/quantity; water quality; soil quality; fish bearing waters; air quality and atmospheric environment, including noise and light; human health, and socioeconomic conditions; wildlife including species at risk; potential for subsidence and acid rock drainage/metal leaching including within the aquifer, among other areas of concern.

The Province received comments from some Indigenous communities for the processing facility proposal and the proposed extraction project.