



MANITOBA ECO-NETWORK

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January 14, 2022

Honourable Sarah Guillemard
Minister of Climate and Conservation
mincc@leg.gov.mb.ca

Dear Minister Guillemard,

Re: Licence Appeal – Sio Silica Corporation (formerly CanWhite Sands Inc.) – Vivian Sand Facility Project – Public Registry 6057.00

Since 1988, Manitoba Eco-Network (MbEN) has promoted positive environmental action by supporting people and groups in our community. MbEN's programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups. We are a public interest environmental organization seeking to promote and facilitate good environmental governance and the protection of Manitoba's environment for the benefit of current and future generations.

The Manitoba Eco-Network has been engaged in the environmental assessment and licensing process for Sio Silica Corporation's (formerly CanWhite Sands Inc.) proposed silica sand projects since 2020. There have been many concerns voiced by a broad range of stakeholders and numerous problems identified with Sio's proposed silica sand processing and extraction projects. Thus, it was very disappointing to receive notification of Acting Director Pyles' decision to issue Environment Act Licence No. 3367 for the construction and operation of Sio's Vivian Sand Processing Facility in December 2021.

MbEN is submitting this appeal of Licence No. 3367 under s 27 of *The Environment Act*. As outlined in our previous submissions available in the public registry, MbEN has identified numerous issues with the proposed Vivian Sand Processing Project and the assessment and licensing process that led to the issuance of a Licence. These identified issues include the following:

- The limited size and scope of the project, including the assessment of the processing plant and the extraction project as two separate developments, resulting in significant potential negative impacts to the Sandstone and Carbonate aquifers and the use of novel and unproven technology, among other issues, not being properly assessed;
- Designation of the project as a Class 2 Development (instead of a Class 3);
- A problematic Environment Act Proposal (EAP) that is missing important information, such as proposed emergency, follow-up and monitoring plans;
- A lack of meaningful consideration of cumulative effects; and
- No public hearing, resulting in a lack of meaningful public participation and no indication that the significant concerns raised by the public have been taken into account.

The processing facility and the extraction project are inextricably linked. This is made evident in Sio's own EAP, which indicates that sand from the extraction project enters the processing facility, the sand is removed, and the water is then returned to the extraction site, creating a loop system:

Sand will enter the Processing Facility via a sand and water slurry infeed pipe (Figure 2-2). As described above in Section 1.1, the moveable slurry pipe supplying the infeed will be a component of the extraction project that will be proposed for approval later this summer.¹

The sand is removed, water is treated (as explained in Section 2.3.1), and the water is returned to the to the slurry line system at the extraction site, creating a loop system (illustrated in Figure 2-1) for bringing slurry to the facility for processing.²

The impacts of the processing plant cannot be properly assessed without including an assessment of the impacts of the sand extraction because the processing plant cannot operate without the sand extraction portion of this project. Each project is dependent on the other.

By making the unreasonable decision to grant a final Licence that allows the Vivian Sand Processing Project to proceed prior to the review of Sio's corresponding Vivian Sand Extraction Project without meaningful consideration of cumulative effects, aquifer sustainability, the potential impacts of unproven technology, and emergency, follow-up and monitoring plans, among other things, the Acting Director has created a scenario where Sio's operations will very likely result in negative environmental and health impacts for local residents and rural municipalities dependent on the impacted aquifers as a source of drinking water. This decision runs counter to the goals and requirements of *The Environment Act*.

In the view of MbEN, Licence No. 3367 should not have been issued until, at a minimum, the assessment and review of Sio's corresponding Vivian Sand Extraction Project has been completed. Ultimately, given the significant concerns raised by the EAP for the extraction project, it is the position of MbEN that a Licence should not have been issued at all for the related processing facility as both projects are unsustainable and unnecessary, and will threaten the health of local residents and the environment.

Under *The Environment Act*, the Department of Conservation and Climate is tasked with protecting the quality of the environment and environmental health of present and future generations and providing the opportunity for all citizens to exercise influence over the quality of their living environment. We are confident you will adhere to these principles and revoke Licence No. 3367 to protect the best interests of Manitobans now and in the future.

Sincerely,

Heather Fast, B.A., J.D., LL.M.
Policy Advocacy Director

Glen Koroluk
Executive Director

¹ Environment Act Proposal, p 12/129, online:
https://www.gov.mb.ca/sd/eal/registries/6057canwhite/eap_part_1_to_sec_3.pdf.

² Environment Act Proposal, p 19/129, online:
https://www.gov.mb.ca/sd/eal/registries/6057canwhite/eap_part_1_to_sec_3.pdf.