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September 21, 2021

ELECTRONIC MAIL

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Feisal Somji,

On September 8, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Vivian Sand 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 the 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 the IAA, it is expected that the Minister will respond, with reasons, to the request by December 7, 2021.

The Impact Assessment Agency of Canada (the Agency) will review the new information about the Project provided through your *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 to reconsider designation of the Project.

If designated, to proceed with the Project, CanWhite Sands Corp. would be required to submit an Initial Project Description to the Agency, thereby commencing the planning phase of the IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.



Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

In accordance with subsection 9(3) of the IAA, and to inform its advice to the Minister, the Agency is requesting that you provide information about the Project, along with relevant documents. Thank you for the information provided to date.

By **October 7**, please provide any additional new or amended information that you have not previously shared with the Agency regarding potential adverse effects to fish and fish habitat, migratory birds and species at risk; adverse changes to the environment that would occur on federal lands and lands outside Manitoba or Canada; and adverse impacts, resulting from any change to the environment, on Indigenous peoples (e.g., changes to the environment impacting physical and cultural heritage, current use of lands and resources for traditional purposes, and structures, sites or things of historical, archaeological, paleontological or architectural significance) or changes to their health, social or economic conditions.

Please also include available information regarding adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part.

If there is additional new or amended information that you have to share with the Agency, in particular, the Agency is interested in information regarding:

1. Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment for the Vivian Sand Project.
2. A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated components or activities.
3.
 - a) For each regulatory approval that would be required, please provide the following information:
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.

- ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?
 - iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).
 - b) Identify whether any licence, permit, authorization or approval listed above would address any of the following matters:
 - i. Issues raised by the requester:
 - a. Impacts due to water withdrawal quantity
 - b. Impacts on water quality due to releases or accidents
 - 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
 - ii. If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet).
 - iii. If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts.
4. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.
5. What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to the project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters.
6. What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to the project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters.
7. Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?
8. Explain your views on whether the Project should be designated under the IAA.

CanWhite Sands Corp. is strongly encouraged to contact the Agency in the next few days to discuss the information required and ensure that it can be provided within the timeline.

A Registry page for the Project is available on the Canadian Impact Assessment Registry Internet site at the following link: <https://iaac-aeic.gc.ca/050/evaluations/proj/80974>.

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. Information marked as confidential will not be accepted without prior contact made with the Agency.

Further questions regarding this request can be directed to Shelly Boss by telephone at 587-357-6484 or email shelly.boss@iaac-aeic.gc.ca.

Sincerely,

<transmitted electronically>

Barbara Pullishy
Regional Director, Prairie and Northern Region

cc. Shelly Boss, Project Manager, Prairie and Northern Region