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August 16, 2021

## ELECTRONIC MAIL

### **Request for Federal Expert Advice**

- Environment and Climate Change Canada
- Natural Resources Canada
- Fisheries and Oceans Canada
- Health Canada

Dear Colleagues:

### **Subject: Review of information on the potential effects of the Vivian Sand Extraction Project**

On August 18, 2020, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Vivian Sand Processing Facility Project and the Vivian Sand Extraction Project (the Projects) under subsection 9(1) of the *Impact Assessment Act* (IAA). On November 16, 2020, the Minister decided that the Facility Project and the Extraction Project did not warrant designation pursuant to subsection 9(1) of IAA.

The Proponent submitted an application under Manitoba's *Environment Act* for the Extraction Project (<https://www.gov.mb.ca/sd/eal/registries/6119/index.html>), which includes new information about the project and its potential effects.

The Agency must advise the Minister should this new information suggest that the Extraction Project may lead to significant effects within federal jurisdiction, with a view to determining if the new information warrants the Minister reconsider designating the Extraction Project.

### **Seeking Federal Authority Advice**

The Agency is requesting that you review the information provided by the proponent in its application to the province of Manitoba, with a view to answering the following:

- From the perspective of the mandate and area(s) of expertise of your department or agency, does the Extraction Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

- Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Projects? In particular, the following issues have been raised by the requestors:
  - a. Impacts due to groundwater withdrawal quantity
  - b. Impacts on water quality through 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

If yes, please specify the program or authority.

Please note that the information contained within the application includes the outcomes of hydrogeological studies and the results of a third-party review of those studies (detailed in Appendix A and Appendix B of the Proponent's submission). Provide your comments on whether the Extraction Project has the potential to cause adverse effects within federal jurisdiction, and whether those effects could potentially be significant by **August 30, 2021**.

**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.

If you have any questions regarding the request, please do not hesitate to contact me by telephone (647-614-0429) or email ([ian.martin@iaac-aeic.gc.ca](mailto:ian.martin@iaac-aeic.gc.ca)).

Sincerely,

**<Original Signed By>**

Ian Martin  
Team Leader, Prairie and Northern Region

cc:  
Transport Canada  
Indigenous Services Canada  
Indigenous Services Canada, First Nations and Inuit Health Branch  
Innovation, Science and Economic Development Canada  
Employment and Social Development Canada  
Women and Gender Equality Canada