

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Canadian Premium Sand Inc.
PROPOSAL NAME: Wanipigow Sand Extraction Project
CLASS OF DEVELOPMENT: 2
TYPE OF DEVELOPMENT: Mining
CLIENT FILE NO.: 5991.00

OVERVIEW:

An Environment Act Proposal (EAP) was filed on behalf of Canadian Premium Sand Inc. for the construction and operation of the Wanipigow Sand Extraction Project, a one million tonnes per year open pit silica sand mine and processing facility located in the Incorporated Community of Seymourville approximately 160 kilometers northeast of Winnipeg in multiple Sections of Township 25 and Range 8 and 9 EPM. The proposed Wanipigow Sand Extraction Project consists of an active open pit silica sand mine for each year of operation, including progressive annual site reclamation of closed mines, a silica sand processing facility, a paved 6 kilometer access road, a 6 kilometer long powerline, a 1.5 kilometer access road and ancillary facilities. The sand processing facility would utilize groundwater for processing and reuse the process water in a closed-loop system within the plant. Upon completion of processing, the silica sand would be trucked to the product buyer.

On December 31, 2018, Manitoba Sustainable Development placed copies of the EAP in the online Public Registry at <https://www.gov.mb.ca/sd/eal/registries/5991wanipigow/index.html>.

The EAP was provided to the Technical Advisory Committee (TAC) on January 9, 2019 and a notice of the EAP was advertised in the Lac du Bonnet Clipper Weekly on January 10, 2019 and in the Winnipeg Free Press on January 12, 2019. The newspaper and TAC notifications invited responses until February 12, 2019.

Comments received from the TAC and public were sent to the proponent for response on February 21, 2019 and the proponent response was received on March 12, 2019 and sent back to the TAC and public for their information and review.

On April 3, 2019, the Director of the Environmental Approvals Branch requested the proponent hold a facilitated public meeting to further address concerns raised as part of the environmental assessment and licensing process.

Additional TAC and public comments were sent to the proponent on April 9, 2019.

The proponent held the facilitated public meeting in the Community of Seymourville on April 17, 2019.

On April 24, 2019, the proponent responded to the additional TAC and public comments and provided the facilitator's report on the public meeting.

COMMENTS FROM THE PUBLIC:

For the purposes of this document, the public concerns have been summarized in general terms. Please review the information on the public registry for complete details of all individual public comments received during the environmental assessment and licensing process. A copy of all individual public comments can be reviewed at the following link:

<https://www.gov.mb.ca/sd/eal/registries/5991wanipigow/index.html>

General Public Concern Raised	Mitigation Options	Disposition and Draft Licence Condition
<p><u>Traffic and Road Safety</u> The following are general concerns raised regarding traffic and road safety:</p> <ul style="list-style-type: none"> • Increased traffic on Highway 304 and Highway 59 which are already busy roadways, especially during summer months • Highway 304 is not in good enough condition to accommodate the volume of truck traffic • Snow clearing could be an issue when trucks are on the roads prior to snow plows being able to clear the roads • Trucks will create dust within the area • Concerns regarding the qualifications of truck drivers 	<ul style="list-style-type: none"> • Upgrades and maintenance to roadways as determined by Manitoba Infrastructure • Snow clearing protocol • Minimum standards for education and training for truck drivers hired by the company. 	<ul style="list-style-type: none"> • Requirement for a Traffic Impact Study, acceptable to Manitoba Infrastructure is required (Clause 71) and addresses issues including but not limited to public safety, capacity, pavement strength, damage from loading and loading deficiencies, maintenance, including snow clearing, and the development of mitigation measures to offset impacts on the provincial highway network. • Requirement for a safety and training plan for trucking operations (Clause 70).
<p><u>Dust</u> The following are general concerns raised regarding dust in the project area:</p> <ul style="list-style-type: none"> • Silica dust can pose a health hazard and needs to be managed from the processing plant and mining activities • Dust from increased truck traffic 	<ul style="list-style-type: none"> • All transfer points of silica sand should be enclosed and contained • Monitoring and reporting for silica sand particulate matter • Monitoring and reporting for all particulate matter to also account for road dust • Paving of roadways to reduce dust generation where possible. 	<p>Requirement for dust control measures during construction (Clause 45) Requirement for a Dust Management Plan and Air Quality Monitoring Plan prior to operation (Clause 31) Requirements for air pollution control and monitoring (Clause 78 to 94)</p>

General Public Concern Raised	Mitigation Options	Disposition and Draft Licence Condition
<p><u>Noise</u> The following are general concerns raised regarding noise in the project area:</p> <ul style="list-style-type: none"> • There are existing residences near the project site that could be affected by noise created by the mining, processing and trucking of silica sand • The area is very quiet right now and having an industrial development in the area would create a significant increase in noise. 	<ul style="list-style-type: none"> • Noise berms should be used surrounding the mining operation • Truck back-up signal alternatives should be evaluated • Truck loading signals should be a visible signal (ex. green light) • Minimum buffer zones should be established between residences and mining/processing development • Education and training regarding noise should be provided to all employees 	<p>Requirement to reduce noise during operation of the development at all times (Clause 57)</p> <p>Requirement for berms to be used surrounding mining area (Clause 63)</p> <p>Requirement to not cause or permit a noise nuisance at any time at the development (Clause 81)</p>
<p><u>Groundwater</u> The following are general concerns raised regarding groundwater in the project area:</p> <ul style="list-style-type: none"> • Concerns regarding how the development will affect groundwater wells in the area and availability of groundwater • Concerns that groundwater could be contaminated by the mining and processing plant. 	<ul style="list-style-type: none"> • A groundwater monitoring program with specific parameters and reporting requirements should be established in consultation with MSD. 	<p>Requirement for the submission and approval of a Groundwater Monitoring Plan prior to the operation of the development (Clause 31)</p>
<p><u>Wildlife and Restoration</u> The following are general concerns raised regarding wildlife and restoration activities in the project area:</p> <ul style="list-style-type: none"> • Concerns regarding the effect of mining and the processing plant on local wildlife • Concerns regarding the elevation of the land following restoration and the quality of restoration activities 	<ul style="list-style-type: none"> • A restoration plan should be created by the proponent 	<p>A wildlife monitoring plan is required as part of the Environmental Management Program (Clause 31)</p> <p>Requirement for the submission and approval of a Revegetation Monitoring Plan prior to operation of the development (Clause 31)</p>

General Public Concern Raised	Mitigation Options	Disposition and Draft Licence Condition
<p><u>Crown Indigenous Section 35 Consultation</u></p> <ul style="list-style-type: none"> Concerns were raised regarding the completeness of the Crown Indigenous Consultation process and that concerns from community members were unsatisfactorily addressed or not addressed at all 	<ul style="list-style-type: none"> All concerns received regarding Crown Indigenous Consultation were forwarded to the Mines Branch of Growth, Enterprise and Trade. A licensing decision is not made until the Director reviews the completed Consultation Report provided by the Mines Branch. 	<p>A completed Crown Indigenous Consultation Report has been provided to the Director for review to aid in a licensing decision. Recommendations from the final report have been considered in the draft Environment Act Licence.</p>

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

No.	Technical Advisory Committee Member	Response Provided
1	Canadian Environmental Assessment Agency	No Comments Received
2	Manitoba Agriculture – Ag Resources Branch	No Response
3	Manitoba Sustainable Development –	
	<ul style="list-style-type: none"> • Compliance and Enforcement Branch • Climate Change Branch • Wildlife and Fisheries Branch • Parks and Protected Spaces Branch • Forestry and Peatlands Branch • Indigenous Relations Branch • Eastern Region Integrated Resource Management Team (w/Wildlife) • Groundwater Management Section • Office of Drinking • Water Use Licensing Section • Water Control Works Licensing Section • Regional Services Branch 	Comments Received No response No Response No Response Comments Received No Response Comments Received Comments Received No Concerns Comments Received No Response Comments Received
	• Manitoba Sport, Culture, and Heritage – Heritage Branch	No Response
4	Manitoba Growth, Enterprise and Trade –	
5	Resource Development Division	Comments Received
	Office of Fire Commissioner	No Concerns
	Manitoba Infrastructure	Comments Received
6	Manitoba Indigenous and Municipal Relations	Comments Received
7	Manitoba Health, Seniors and Active Living – Environmental Health Unit	Comments Received

A copy of the detailed responses from the Technical Advisory Committee and all additional information provided can be reviewed at the following link:

<https://www.gov.mb.ca/sd/eal/registries/5991wanipigow/index.html>

For the purposes of this document, the responses have been summarized in general terms. Please review the information on the public registry for complete details.

SUMMARY OF COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Manitoba Sustainable Development – Compliance and Enforcement Branch

- Comments provided regarding wastewater management at the proposed Development.
- Comments provided regarding potential air quality impacts due to the Development and specifically particulate matter levels and monitoring.
- Statement that best available technologies should be implemented at the Development.

Disposition:

Requirements for wastewater management are addressed in the draft Environment Act Licence in Clauses 15, 76 and 77.

Clause 31 requires the submission and approval of an Air Quality Monitoring Plan and Dust Management Plan prior to operation of the Development as part of the Environmental Management Plan.

Air emission limits are included in the draft Environment Act Licence in Clauses 78-81. Air pollution control equipment requirements are included in Clauses 82-86 and air emission sampling requirements are included in Clauses 87-94.

Manitoba Sustainable Development – Forestry and Peatlands Branch

- Comments provided regarding the requirements for timber clearing activities and progressive forestry rehabilitation.
- Comment regarding the need for an approved Closure Plan.

Disposition:

Clause 8 of the draft Environment Act Licence requires that the Licencee shall obtain all necessary federal, provincial and/or municipal licences, authorizations, permits and/or approvals for construction and operation of the Development.

Clause 97 of the draft Environment Act Licence requires the submission and approval of a Closure Plan.

Manitoba Sustainable Development – Eastern Region Integrated Resource Management Team (Including Wildlife)

- Comments provided regarding disposal of timber under The Forest Act, progressive rehabilitation of lands, requirement for a Closure Plan, potential impacts to caribou and other wildlife within the project area.

Disposition:

Clause 8 of the draft Environment Act Licence requires that the Licencee shall obtain all necessary federal, provincial and/or municipal licences, authorizations, permits and/or approvals for construction and operation of the Development.

Clause 31 a) c. and Clause 33 of the draft Environment Act Licence require that the Licencee prepare and maintain a progressing rehabilitation plan for the Development.

Clause 34 of the draft Environment Act Licence requires that the Licencee submit for approval, an Annual Operation Plan for the Development.

Clause 97 of the draft Environment Act Licence requires the submission and approval of a Closure Plan for the Development.

Manitoba Sustainable Development – Groundwater Management Section

- Comments provided regarding the need for groundwater monitoring within the proposed development area and the potential for shale in the area to impact water quality.

Disposition:

Clause 31 of the draft Environment Act Licence requires the submission and approval of a Groundwater Monitoring Plan prior to operation of the development.

Appropriate identification and management of black shale is included in clauses 65 to 68 of the draft Environment Act Licence.

Manitoba Sustainable Development – Water Use Licensing

- Comments provided regarding the requirement to submit an Application for Licence to Construct a Well and Divert Groundwater.

Disposition:

The proponent obtained a licence to construct a well and divert groundwater prior to conducting groundwater exploration and groundwater well installation.

Manitoba Growth, Enterprise and Trade – Resource Development Division

- The proponent is required to submit and receive approval for a Closure Plan under The Mines and Minerals Act.

Disposition:

Clause 97 of the draft Environment Act Licence requires the submission and approval of a Closure Plan for the Development.

Manitoba Infrastructure

- Comments provided regarding the need for the submission of a Traffic Impact Study to adequately assess the potential impact on the provincial roadways due to the proposed Development and a funding agreement between the proponent and the Department.
- Access permits and additional permits may be required from the Department.

Disposition:

Clauses 71 and 72 of the draft Environment Act Licence require the submission and approval of a Traffic Impact Study and obtaining required permits, respectively.

Manitoba Indigenous and Municipal Relations

- Comments regarding The Planning Act that gives the municipality the power, through their zoning by-law, to prescribe general development requirements for all lands within the municipalities jurisdiction.
- The subject property is designated as Natural Area in The Incorporated Community of Seymourville Development Plan and “NA” Natural Area Zone in The Incorporated Community of Seymourville Zoning By-law.
- Comments provided regarding The Planning Act regarding conditional use of land within the Incorporated Community of Seymourville.

Disposition:

Clause 8 of the draft Environment Act Licence requires that the Licencee shall obtain all necessary federal, provincial and/or municipal licences, authorizations, permits and/or approvals for construction and operation of the Development.

Manitoba Health, Seniors and Active Living – Environmental Health Unit

- Comments provided regarding the need for monitoring and potential mitigation strategies from a public health perspective for air quality, noise, traffic safety and dust management.

Disposition:

Clauses 30 and 31 of the draft Environment Act Licence requires the implementation and continual maintenance in current status of environmental monitoring plans as part of the Environmental Management Program (EMP) for the Development.

The EMP requires the Erosion and Sediment Control Plan, the Surface Water Management Plan, Heritage Resources Management Plan and Emergency Response Plan prior to construction (Clause

30) and the Dust Management Plan, the Air Quality Monitoring Plan, the Progressive Rehabilitation Plan, the Wildlife Monitoring Plan, the Groundwater Monitoring Plan and the Revegetation Monitoring Plan prior to operation of the Development (Clause 31).

Clause 45 of the draft Environment Act Licence requires dust control measures to be implementing during construction.

Clause 57 of the draft Environment Act Licence requires the implementation of appropriate measures to reduce noise levels from operations, equipment and vehicles at the Development, at all times.

Clauses 71 and 72 of the draft Environment Act Licence require the submission and approval of Traffic Impact Study and obtaining required permits, respectively.

Clause 81 of the draft Environment Act Licence requires the Licencee to not cause or permit a noise nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may specify to eliminate or mitigate a noise nuisance.

Air emission limits are included in the draft Environment Act Licence in Clauses 78-81. Air pollution control equipment requirements are included in Clauses 82-86 and air emission sampling requirements are included in Clauses 87-94.

PUBLIC HEARING:

Though a public meeting was held as part of the environmental assessment and licensing process, numerous requests for a formal public hearing have been received from members of public.

The Director is required to make a determination as to whether a formal hearing should be held or not prior to making a licensing decision.

CROWN-INDIGENOUS CONSULTATION:

The Government of Manitoba recognizes that it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of the Indigenous rights of that community.

Crown-Indigenous Consultation was conducted by the Resource Development Division of Manitoba Growth, Enterprise and Trade as infringement of Indigenous rights under Section 35 of the Constitution Act, 1982 is possible due to this Development.

The Crown-Indigenous Consultation Report, prepared by the Resource Development Division, was been completed and sent to the Environmental Approvals Branch.

The Crown-Indigenous Consultation Report provides recommendations which have been considered in the draft Environment Act Licence.

The Director of The Environment Act should consider The Crown-Indigenous Consultation Report prior to making a licensing decision.

RECOMMENDATION:

The attached draft Environment Act Licence contains specifications, terms and conditions for the Director of The Environment Act's consideration for licensing of the construction and operation of Wanipigow Sand Extraction Project.

Should an Environment Act Licence be issued for the proposed Development, enforcement of the Environment Act Licence should be assigned to the Environmental Compliance and Enforcement Branch of Manitoba Sustainable Development.

Jennifer Winsor, P.Eng.
Environmental Approvals Branch
Manitoba Sustainable Development

May 14, 2019