

From: [Desrochers, Maggie](#)
To: [Klos, Ryan](#)
Cc: [Tanner, Theresa](#)
Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023
Date: October 6, 2023 10:54:48 AM
Attachments: [ECDM23-00254 - Advisory Note Premier.docx](#)
[ECDM23-00254 Attachment 1- Environment Act Licensing Process with CFC Hearing.pdf](#)
Importance: High

Please see attached revised version. It is in the same format as a Premier's note however missing the headings: Speaking Points and Cautionary Notes.

Maggie Desrochers
Deputy Minister's office

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>
Sent: October 6, 2023 10:47 AM
To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>
Subject: RE: ECDM23-00254 Sio Silica AN - October 6, 2023

Attached here is the updated attachment for the AN, apologies.

Thank you,

Melanie Ozubko (She/Her)

Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division
Department of Environment and Climate
Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6
Treaty #1 Territory
T:431-334-5847 melanie.ozubko@gov.mb.ca

From: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>
Sent: October 6, 2023 10:43 AM
To: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>; Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023
Importance: High

Sorry that attachment should be attachment 1 not appendix c – we will re-do and sent

Shannon Kohler

Assistant Deputy Minister
Environmental Stewardship Division
Environment and Climate
T 204-792-9074 | shannon.kohler@gov.mb.ca

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>

Sent: October 6, 2023 10:39 AM

To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>

Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>

Subject: ECDM23-00254 Sio Silica AN - October 6, 2023

Importance: High

Good morning,

Attached here is the AN, approved by Shannon as ADM.

Thank you,

Melanie Ozubko (She/Her)

Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division

Department of Environment and Climate

Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6

Treaty #1 Territory

T:431-334-5847 melanie.ozubko@gov.mb.ca

Environment and Climate Advisory Note for Premier

ISSUE: Environmental Assessment and Licensing Status of the Sio Silica Sand Extraction Development

BACKGROUND: Sio Silica submitted an Environment Act proposal in July 2021 for a silica sand extraction development (class 2 development). They propose to extract silica sand from the Winnipeg Sandstone aquifer in the Rural Municipality of Springfield. Under The Act, there are three classes of developments. Class 1 developments (such as manufacturing and food processing plants) and class 2 developments (such as sewage treatment plants and mining developments) are licensed by the Director of Environmental Approvals Branch and appealable to the Minister of Environment and Climate. Class 3 developments (major hydro developments and flood control) are licensed by the Minister of Environment and Climate and appealable to Cabinet.

The Act includes a provision that if a Clean Environment Commission (CEC) public hearing is held on a class 1 or 2 development, the Minister may, after giving written notice to the Director and proponent, make the licensing decision (issue or refusal).

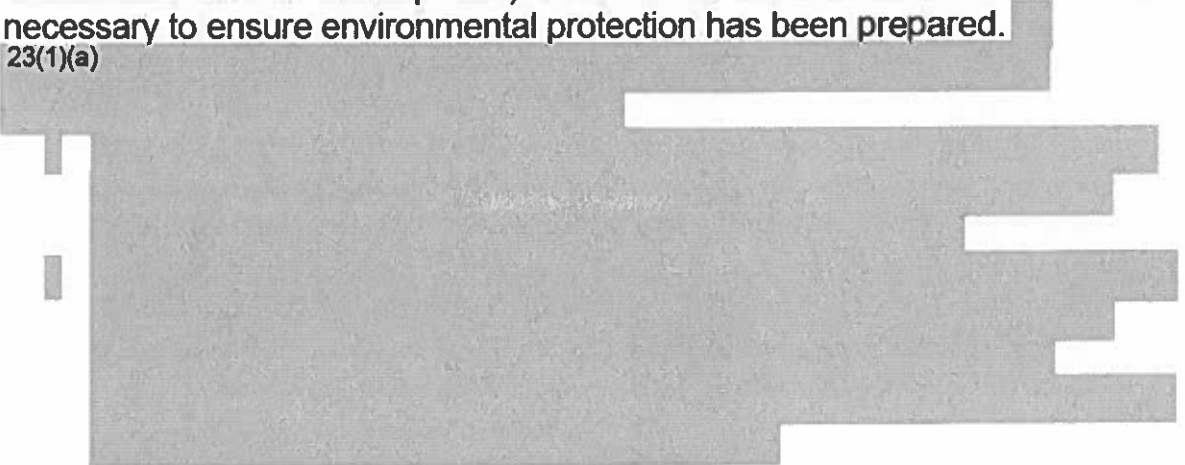
The proposal underwent the environmental assessment review process with input by technical experts across government, a public review, section 35 consultations with Indigenous communities and a technical review and public hearing by the CEC. All this input informs the licensing decision and conditions within the licence.

Given the highly technical nature of the project and public concerns raised, the Minister requested the CEC to undertake a technical review and public hearing. The CEC submitted their report to the Minister on June 22, 2023. The report summarizes the assessment process, the technical review, and the public hearing and included eight recommendations (see **Appendix A**).

The Environment Act outlines the following process for notification of adoption of the CEC recommendations: if any CEC recommendations are not included in the licence or refused, the Director shall provide written reasons for the decision to the proponent, the Minister, the commission and the public registry at the time of notifying the proponent of the licensing decision.

ANALYSIS: The environmental assessment and licensing process is nearing completion (refer to **Attachment 1** for a breakdown of the licensing steps when a CEC review is completed). A draft licence with terms and conditions necessary to ensure environmental protection has been prepared.

23(1)(a)

A large rectangular area of the document is completely redacted with a grey box, covering the majority of the page's content.

23(1)(a)

A horizontal line of text is redacted with a grey box.

CEC disposition: 23(1)(a)

A large rectangular area of the document is completely redacted with a grey box, covering the CEC disposition details.

Public communications documents: 23(1)(a)

A large rectangular area of the document is completely redacted with a grey box, covering the public communications documents.

RECOMMENDATION: For information

MEDIA INTEREST: There continues to be significant public and media interest in this project. A communication action plan is being prepared.

Date: October 6, 2023

CONTACT: Ryan Klos

Deputy Minister

(204) 945-3785

APPENDIX A – Clean Environment Commission Recommendations

On June 22, 2023, the CEC provided a report with recommendations on the public hearings for the proposed Vivian Sand Extraction Project to the Minister of Conservation and Climate. The report was published on the CEC website and on the Conservation and Climate online public registry.

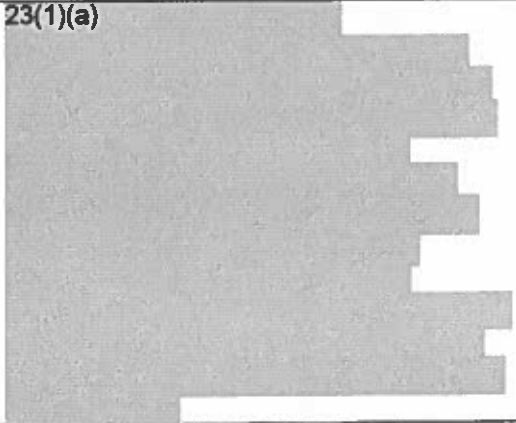
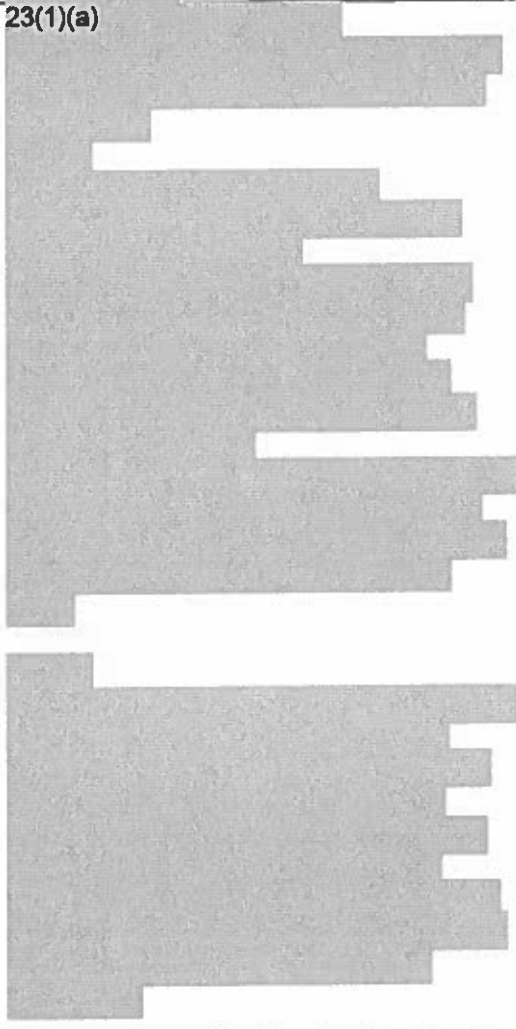
The CEC report provided eight specific recommendations for consideration in the ongoing environmental assessment and licensing process for the proposed sand extraction project.



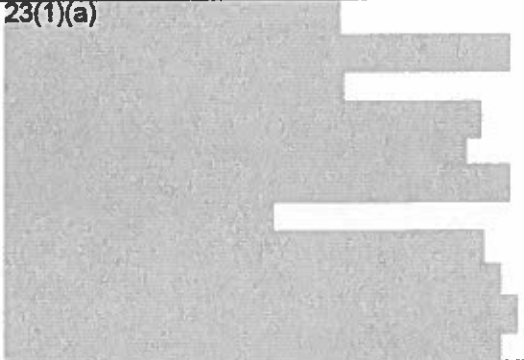
23(1)(a)



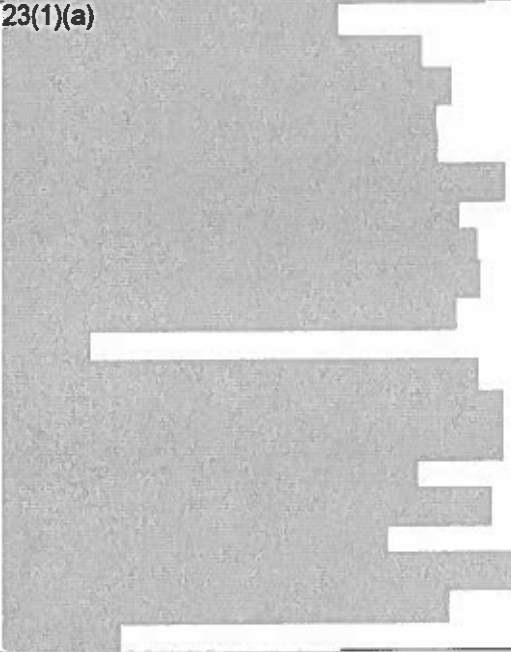




Below is a table summarizing the CEC report recommendations 23(1)(a)

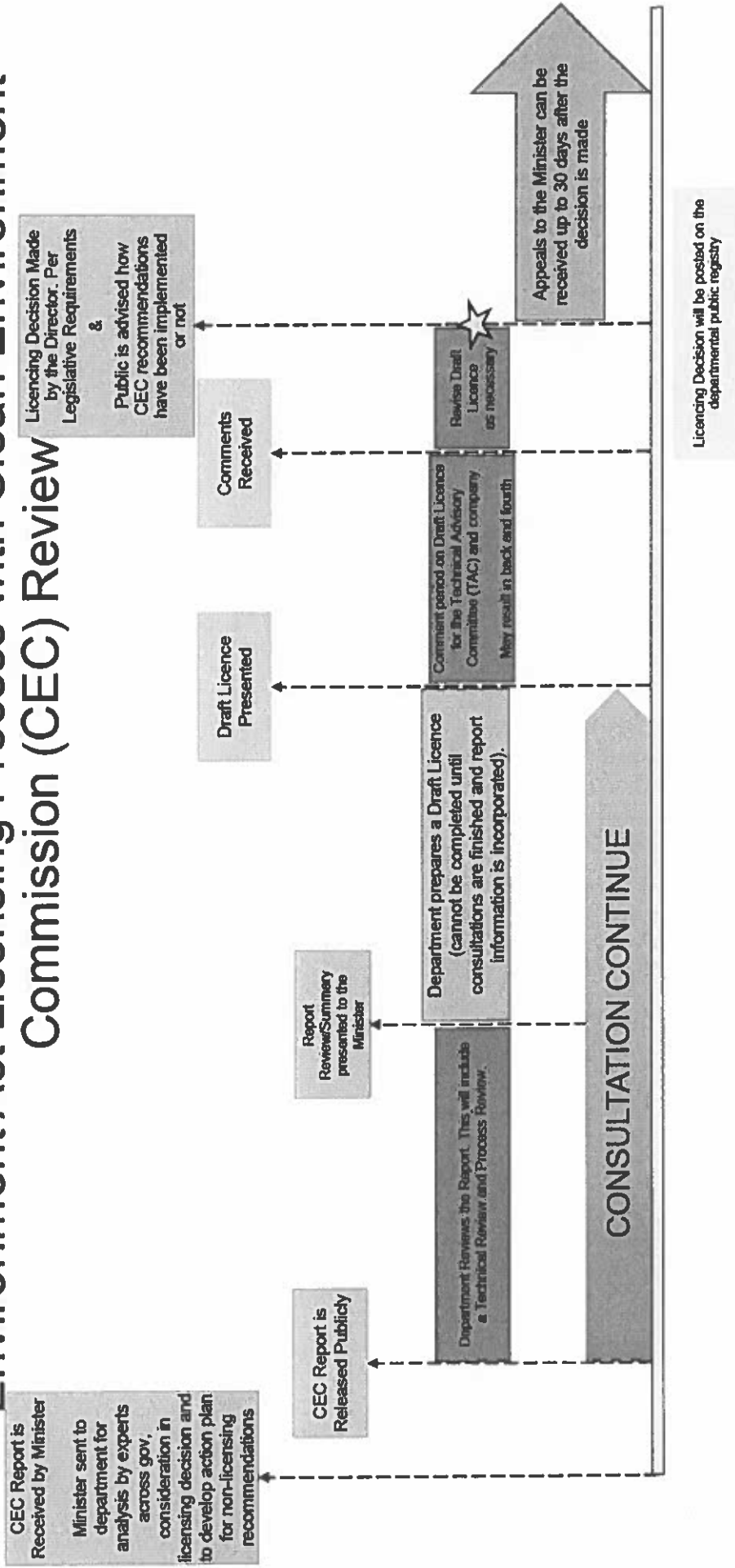


CEC Recommendation	Disposition
<p>1. The government seek a legal opinion with respect to sections 2(e) and 3(1) of the Well Standards Regulation under The Groundwater and Water Well Act and section 6(1) of the Drilling Regulation under The Mines and Minerals Act, regarding the interconnection between the Winnipeg Formation and any overlying aquifer, including aquifers within the Stonewall, Stony Mountain or Red River Formations.</p>	<p>• 23(1)(a)</p> 
<p>2. If work on this project continues, it should be done on a step-wise basis to improve the level of confidence that no significant adverse effects will occur to impair the quality and quantity of water available from the affected aquifers.</p> <p>While the commission defers to the expertise of qualified professionals to design a detailed step-wise program, the following considerations should be taken into account:</p> <ul style="list-style-type: none"> i.) As a general principle, full-scale production should only proceed if and when the body of scientific and engineering evidence confirms that the risks are adequately understood and manageable. ii.) The proponent must add to the body of evidence relating to the possible heterogeneity of the geological structures in the production area so that the risks of subsidence and propagation and impact of extraction voids over time are defined to a higher level of confidence. This must include inclined drilling in order to determine if vertical fractures exist in the limestone that could affect the stability of the layer. iii.) The proponent must carry out full-scale well-cluster extraction tests in order to provide information on the potential effects of extracting the planned 21,000 	<p>• 23(1)(a)</p> 

<p>tonnes of sand from a single cluster. This should be completed from several clusters in different parts of the project area.</p> <p>iv.) During extraction tests, cavities must be monitored to determine their likely long-term shape and size and establish whether they are likely to continue to grow over time. A representative number of cavities reflecting the potential variability of geological conditions should be monitored to indicate that the cavities have remained stable over time.</p>	<p>23(1)(a)</p> 
<p>3. The minister appoint a project monitoring committee with membership from municipal and provincial government departments to receive and assess relevant information as the proponent undertakes step-wise development. This should include member(s) of the affected municipal government(s), senior leadership from Environment and Climate, and technical experts from the government related to mining, groundwater and environmental licensing and enforcement. The committee should be provided with additional resources and technical expertise as required.</p> <p>The guiding principles for the monitoring process should include:</p> <ul style="list-style-type: none"> i) sharing of scientific and engineering findings between the proponent and the monitoring committee; ii) regular, defined reporting requirements by the proponent to the monitoring committee, and; iii) regular, defined reporting jointly by the monitoring committee and the proponent to the public. 	<p>• 23(1)(a)</p> 
<p>4. The proponent be required to complete the following detailed plans and distribute them for comment. It is recognized that these plans may continually evolve on the basis of additional information as it is available.</p> <ul style="list-style-type: none"> a. Waste Characterization and Management Plan b. Water Management Plan c. Progressive Well Abandonment Plan d. Groundwater Monitoring and Impact Mitigation Plan 	<p>• 23(1)(a)</p> 

<ul style="list-style-type: none"> e. Erosion and Sediment Control Plan f. Environmental Emergency Response Plan g. Revegetation Monitoring Plan h. Heritage Resource Protection Plan i. Trigger Action Response Plan(s) j. Closure Plan 	<p>23(1)(a)</p> 
<p>5. The proponent demonstrate the full-scale performance of water-treatment processes for the re-injection of the water that has been separated from the extracted sand.</p>	<p>• 23(1)(a)</p> 
<p>6. Extraction be planned and operated in a manner that is compliant with the engineering limits suggested by the proponent's experts, required by the Manitoba government and/or as amended based on more data-gathering.</p>	<p>• 23(1)(a)</p> 
<p>7. The proponent be required to carry out a risk assessment that considers the probability of worst-case scenarios (collapse of the limestone layer leading to sinkholes, failure of well-sealing) and the consequences of these scenarios and what the response would be to remediate such damage.</p>	<p>• 23(1)(a)</p> 
<p>8. A cumulative effects assessment for the full 24-year life of the project be carried out and its impact be considered in light of other existing and foreseeable projects in the area.</p>	<p>• 23(1)(a)</p> 

Environment Act Licensing Process with Clean Environment Commission (CEC) Review



From: [Tanner, Theresa](#)
To: [Klos, Ryan](#)
Cc: [Desrochers, Maggie](#)
Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023
Date: October 6, 2023 10:54:00 AM
Attachments: [ECDM23-00254 - Advisory Note Premier.docx](#)
[ECDM23-00254 Attachment 1- Environment Act Licensing Process with CEC Hearing.pdf](#)

Good morning Ryan. Please find attached AN. Thank you.

Theresa Tanner
Environment and Climate
Room 350, Legislative Building
204-945-3785
Theresa.Tanner2@Manitoba.ca

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>
Sent: October 6, 2023 10:47 AM
To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>
Subject: RE: ECDM23-00254 Sio Silica AN - October 6, 2023

Attached here is the updated attachment for the AN, apologies.

Thank you,

Melanie Ozubko (She/Her)
Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division
Department of Environment and Climate
Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6
Treaty #1 Territory
T:431-334-5847 melanie.ozubko@gov.mb.ca

From: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>
Sent: October 6, 2023 10:43 AM
To: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>; Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023
Importance: High

Sorry that attachment should be attachment 1 not appendix c – we will re-do and sent

Shannon Kohler

Assistant Deputy Minister
Environmental Stewardship Division
Environment and Climate
T 204-792-9074 | shannon.kohler@gov.mb.ca

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>
Sent: October 6, 2023 10:39 AM
To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>
Subject: ECDM23-00254 Sio Silica AN - October 6, 2023
Importance: High

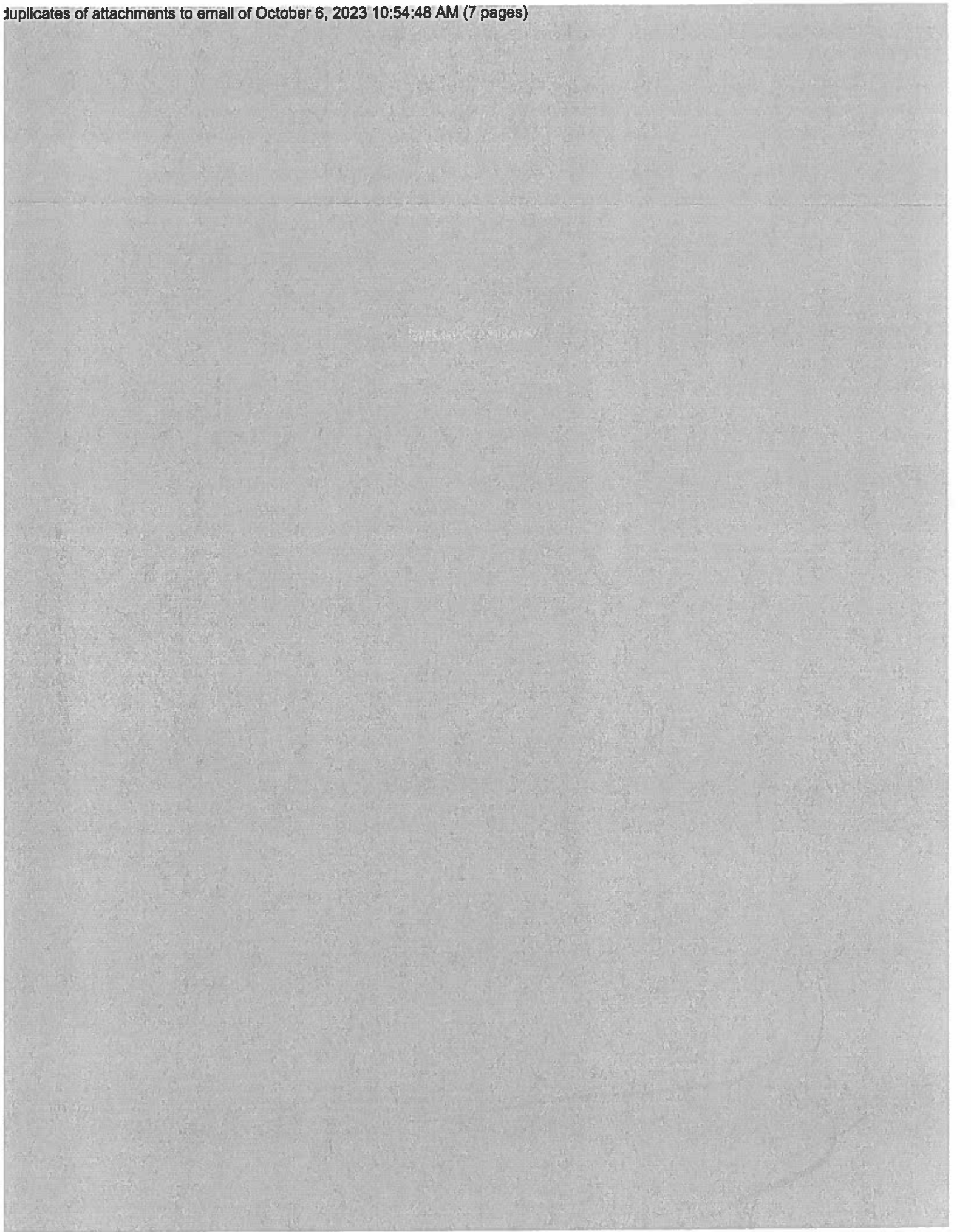
Good morning,

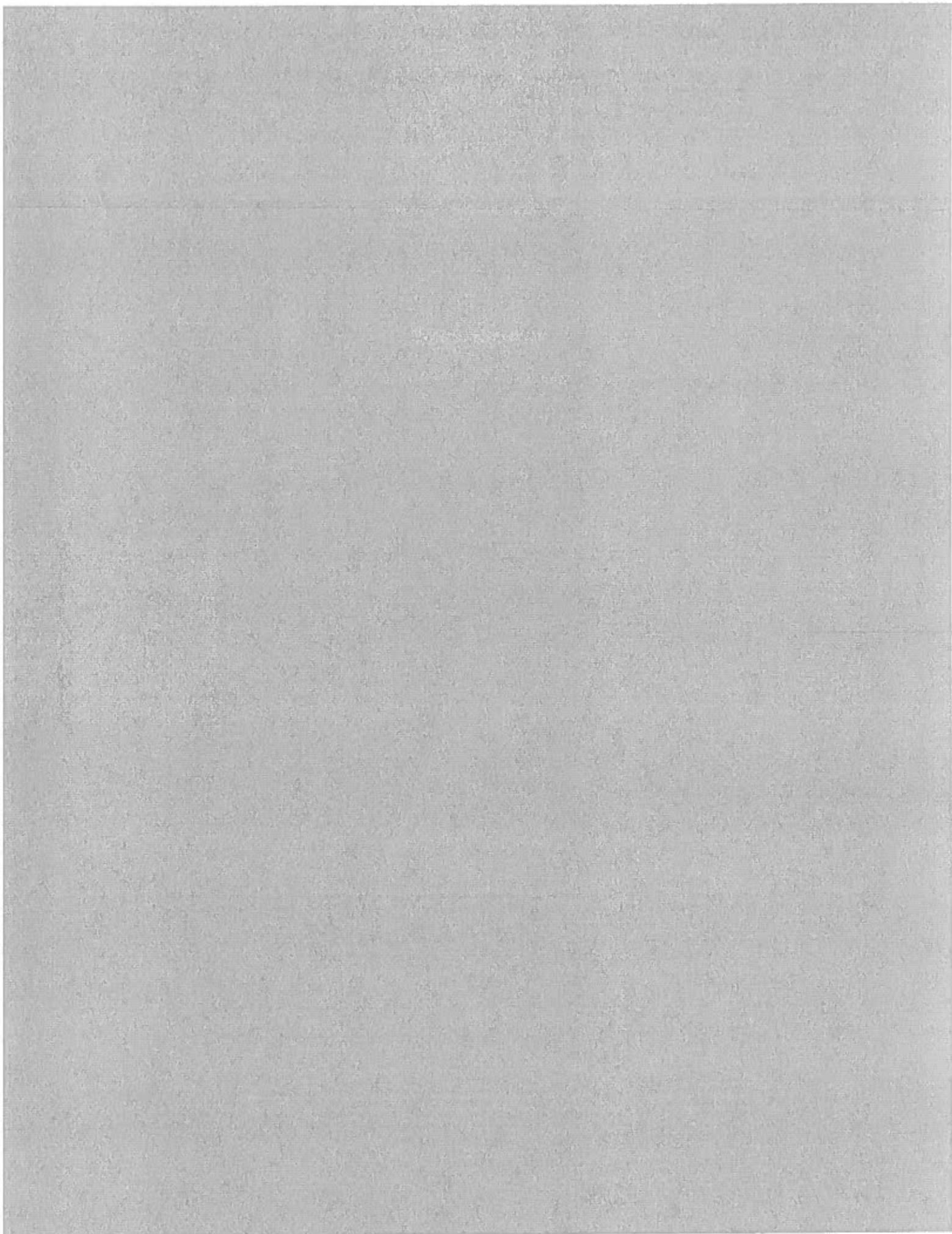
Attached here is the AN, approved by Shannon as ADM.

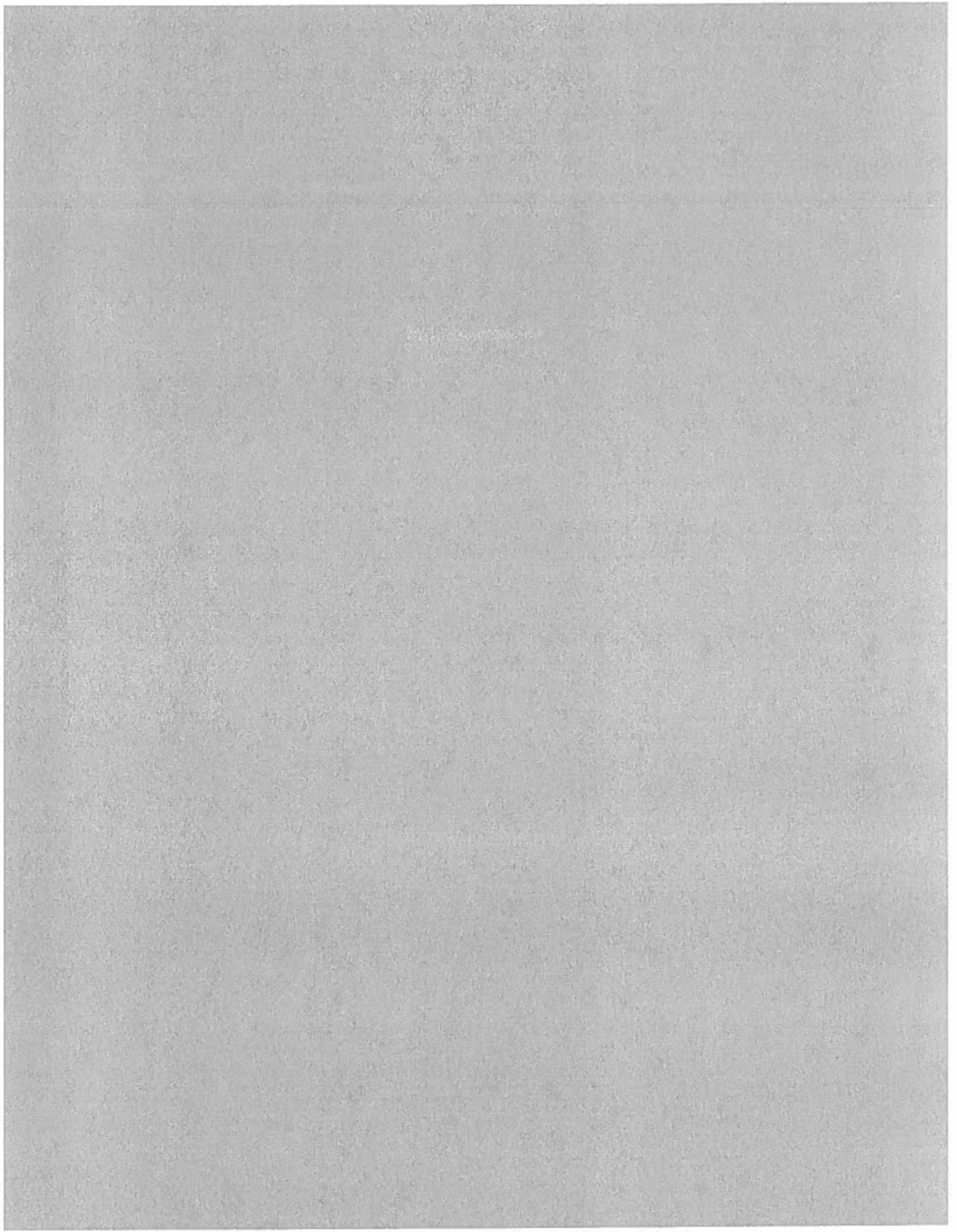
Thank you,

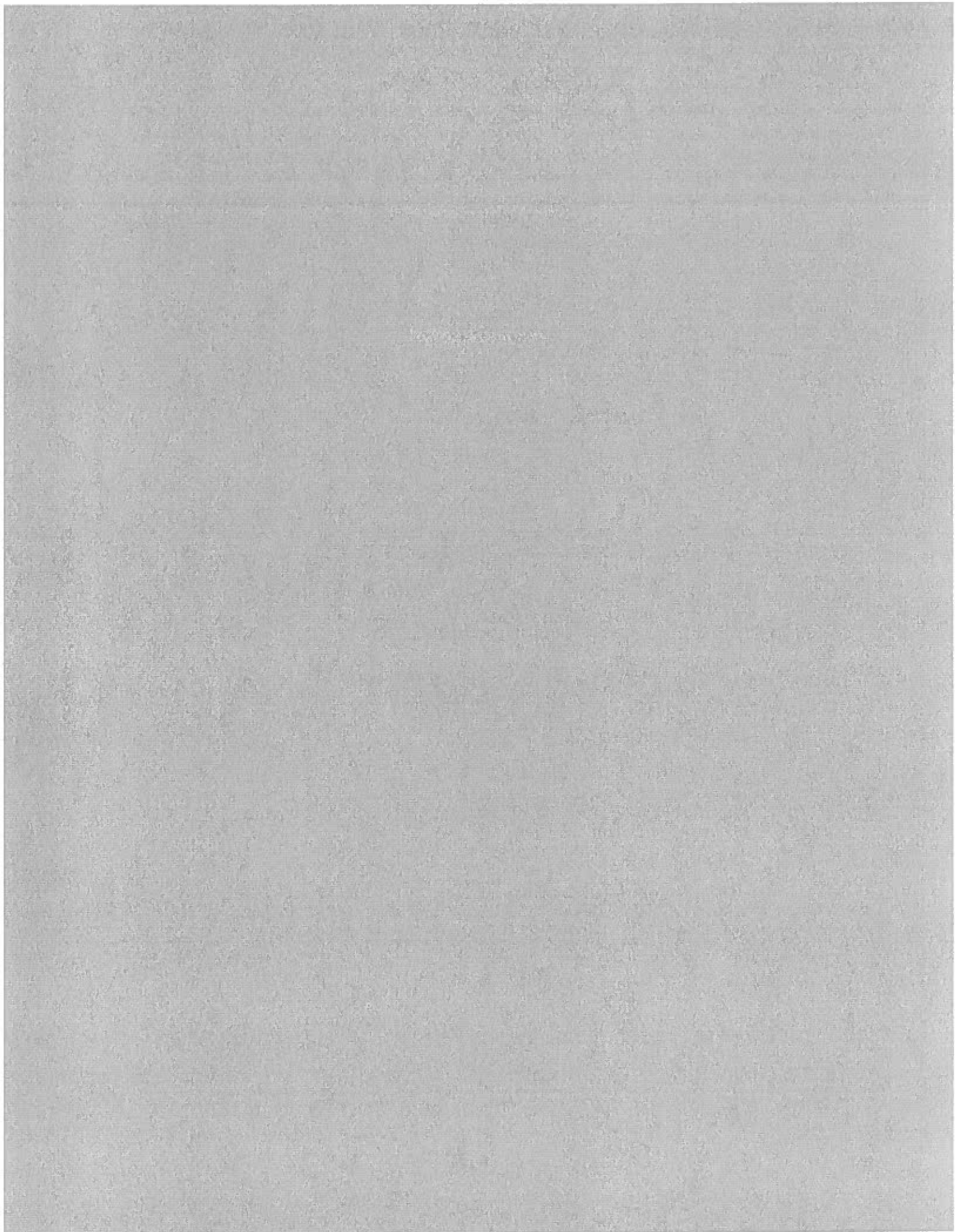
Melanie Ozubko (She/Her)

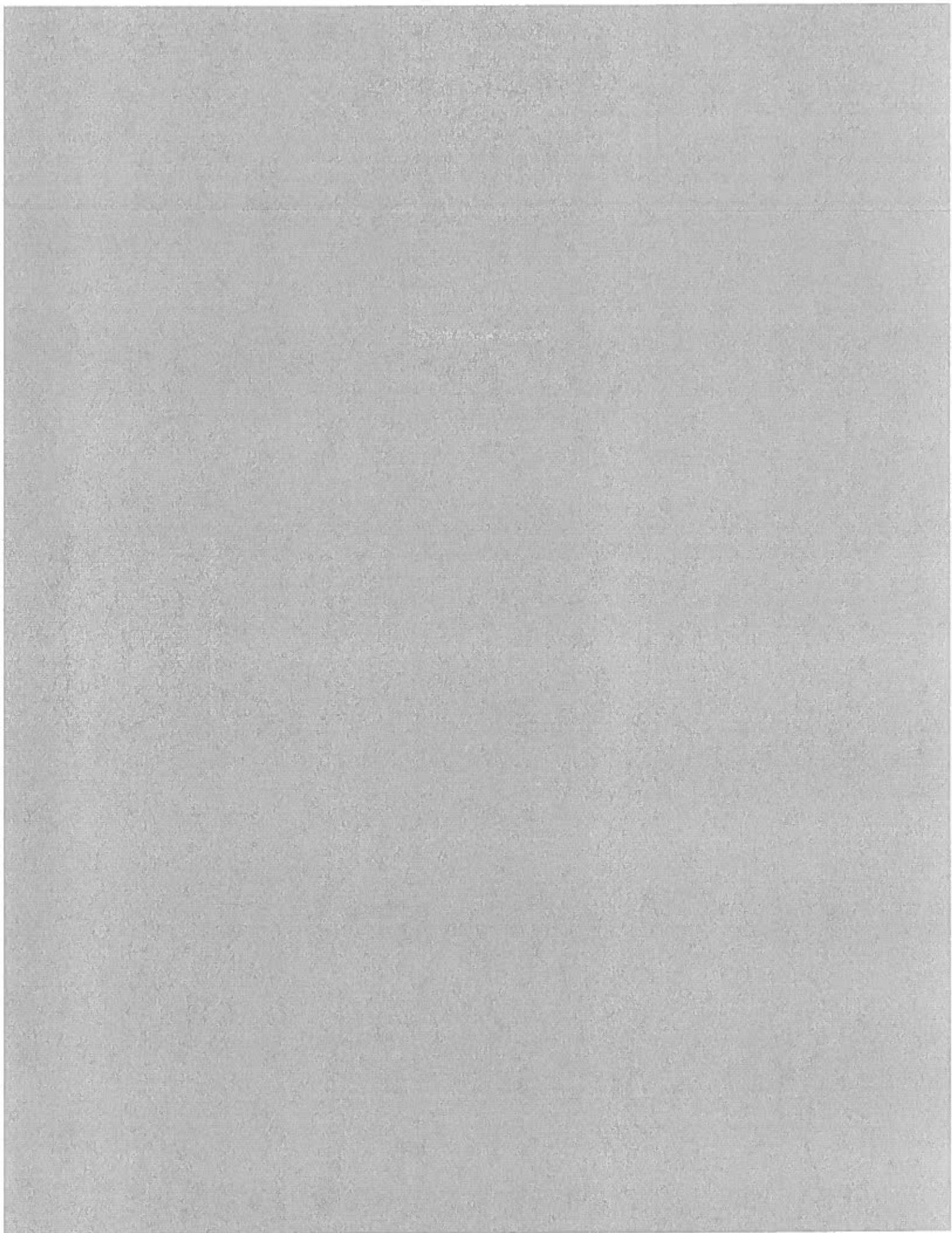
Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division
Department of Environment and Climate
Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6
Treaty #1 Territory
T:431-334-5847 melanie.ozubko@gov.mb.ca

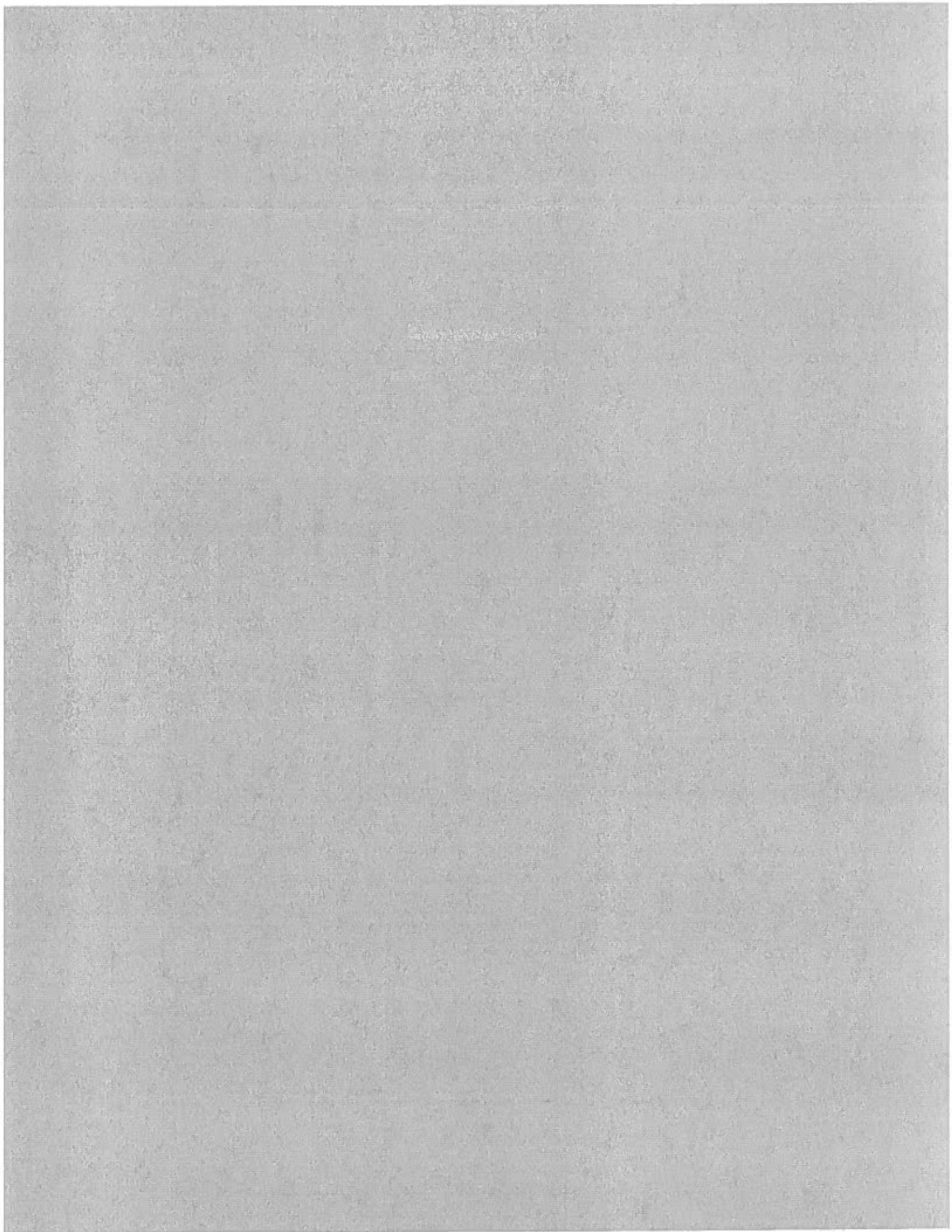


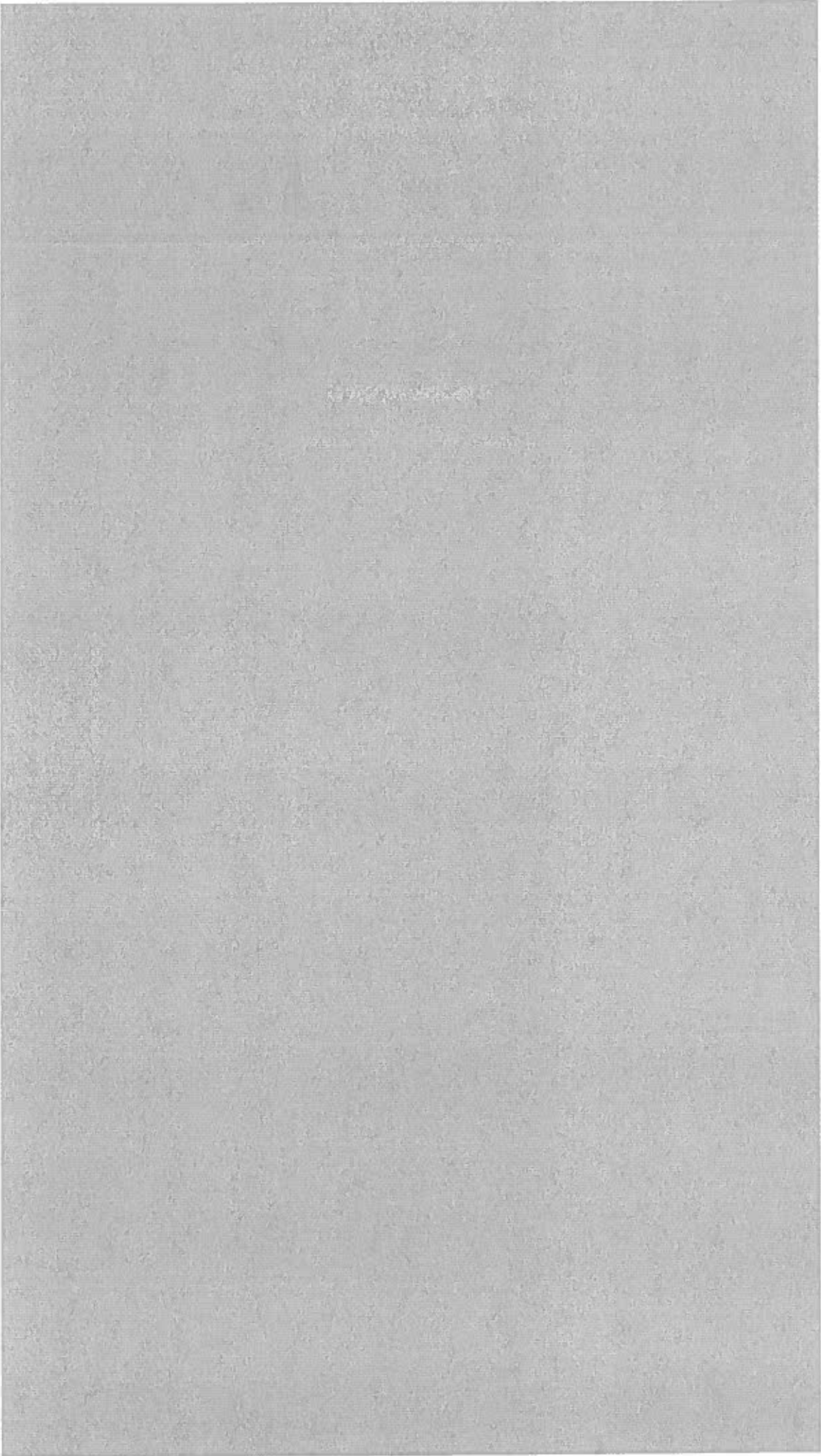












From: [Klos, Ryan](#)
To: [Desrochers, Maggie](#); [Kohler, Shannon](#)
Subject: RE: ECDM23-00254 Sio Silica AN - October 6, 2023
Date: October 6, 2023 11:18:14 AM
Attachments: [ECDM23-00254 - Advisory Note Premier.docx](#)

Hi Shannon,

Please review attached and advise if any concerns. Need by 11:25.

From: Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>

Sent: October 6, 2023 10:41 AM

To: Klos, Ryan <Ryan.Klos2@manitoba.ca>

Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023

Importance: High

I just got her assistant to send me. I will put in Premier's AN format and send you, just give me 5. Thought you might want to start reading though now.

Maggie Desrochers

Deputy Minister's office

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>

Sent: October 6, 2023 10:39 AM

To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>

Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>

Subject: ECDM23-00254 Sio Silica AN - October 6, 2023

Importance: High

Good morning,

Attached here is the AN, approved by Shannon as ADM.

Thank you,

Melanie Ozubko (She/Her)

Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division

Department of Environment and Climate

Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6

Treaty #1 Territory

T:431-334-5847 melanie.ozubko@gov.mb.ca

Environment and Climate Advisory Note for Premier

ISSUE: Environmental Assessment and Licensing Status of the Sio Silica Sand Extraction Development

BACKGROUND:

Sio Silica, a private company based in Alberta, submitted an Environment Act proposal in July 2021 for a silica sand extraction development. They propose to extract silica sand using novel technology from the Winnipeg Sandstone aquifer in the Rural Municipality of Springfield.

The area contains a large deposit of high purity silica sand suitable for ultrahigh clarity glass (solar panels, fibre optics, semiconductors, etc.).

Sio Silica is seeking an Environment Act license for a 4 year initial project, which includes phase one (initial well drilling, exploration and testing/monitoring) and phase two (extraction and further monitoring) with approximately 1,200 wells in clusters of 5 over 1,564 ac. This is an initial project prior a longer term 20 year full scale extraction plan for the area. Only the first 4 years has been proposed for licensing consideration.

The proposal involves extraction of silica sand from an aquifer that provides drinking water supply for the region. There has been significant public concerns raised with the proposed extraction regarding impacts with drinking water safety.

The Clean Environment Commission (CEC) was asked to review the Sio Silica proposal with public input and provide recommendation to the Minister. The CEC conducted public hearings in February 2023 and a report was provided in June 2023.


The CEC raised cautions with the Sio Silica proposal and provided a number of recommendations.

In addition to the CEC review and public hearings, the proposal underwent the environmental assessment review process with input by technical experts across government and section 35 consultations with Indigenous communities.

ANALYSIS:

Over the past few months, a technical advisory team representing multiple departments have reviewed the CEC report and recommendations in consideration of a licensing decision.

23(1)(a)




The department is nearing completion of the technical review and approaching the point to make a licensing decision.

The proposal is considered a class two development within the Environment Act with licensing decision of the director of Environment Approvals and Minister as the appeal body with legislatively required cabinet approval.


23(1)(a)



18(1)(b), 23(1)(a)




18(1)(b), 23(1)(a)



There will be significant public and media interest with a licensing decision.

23(1)(a)



RECOMMENDATION:

Department is seeking direction.

MEDIA INTEREST:

There continues to be significant public and media interest in this project. A communication action plan is being prepared.

Date: October 6, 2023

CONTACT: Ryan Klos

Deputy Minister

(204) 945-3785

From: [Kohler, Shannon](#)
To: [Klos, Ryan](#); [Desrochers, Maggie](#)
Subject: RE: ECDM23-00254 Sio Silica AN - October 6, 2023
Date: October 6, 2023 11:23:23 AM

No concerns.

Shannon Kohler

Assistant Deputy Minister
Environmental Stewardship Division
Environment and Climate
T 204-792-9074 | shannon.kohler@gov.mb.ca

From: Klos, Ryan <Ryan.Klos2@manitoba.ca>
Sent: October 6, 2023 11:18 AM
To: Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>; Kohler, Shannon <Shannon.Kohler@gov.mb.ca>
Subject: RE: ECDM23-00254 Sio Silica AN - October 6, 2023
Hi Shannon,
Please review attached and advise if any concerns. Need by 11:25.

From: Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>
Sent: October 6, 2023 10:41 AM
To: Klos, Ryan <Ryan.Klos2@manitoba.ca>
Subject: FW: ECDM23-00254 Sio Silica AN - October 6, 2023
Importance: High

I just got her assistant to send me. I will put in Premier's AN format and send you, just give me 5. Thought you might want to start reading though now.
Maggie Desrochers
Deputy Minister's office

From: +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>
Sent: October 6, 2023 10:39 AM
To: Tanner, Theresa <Theresa.Tanner2@manitoba.ca>
Cc: Kohler, Shannon <Shannon.Kohler@gov.mb.ca>; +WPG569 - ESD Admin User Group <ESDAdmin@gov.mb.ca>; Desrochers, Maggie <Maggie.Desrochers@manitoba.ca>
Subject: ECDM23-00254 Sio Silica AN - October 6, 2023
Importance: High

Good morning,
Attached here is the AN, approved by Shannon as ADM.
Thank you,

Melanie Ozubko (She/Her)

Executive Assistant to Shannon Kohler ADM of Environmental Stewardship Division
Department of Environment and Climate
Box #110 14 Fultz Blvd Winnipeg, MB R3Y 0L6
Treaty #1 Territory
T:431-334-5847 melanie.ozubko@gov.mb.ca

From: [Klos, Ryan](#)
To: [Klein, Kevin](#)
Subject: FW: 23(1)(a), 27(1)(a) [REDACTED]
Date: October 12, 2023 5:48:45 PM
Attachments: [ECDM23-00254 - Advisory Note Premier.docx](#)

Minister,

A number of Ministers have requested the information below/ attached. Sharing for your review and consideration.

From: Gerrard, Kathryn <Kathryn.Gerrard2@manitoba.ca>
Sent: October 12, 2023 5:35 PM
To: Klos, Ryan <Ryan.Klos2@manitoba.ca>; Sims, Elliot <Elliot.Sims@manitoba.ca>
Subject: RE: 23(1)(a), 27(1)(a) [REDACTED]

Ryan

I understand there has been a request from Finance, EDIT and AG ministers for this information. To respect Ministerial responsibility, it is imperative that any furtherance of this information is provided by your minister to these ministers.

I will continue to state as provided to these Ministers, that we are in care taker convention until the new government is sworn in. 23(1)(a) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kathryn Gerrard
Clerk of Executive Council

From: Klos, Ryan <Ryan.Klos2@manitoba.ca>
Sent: October 6, 2023 3:42 PM
To: Gerrard, Kathryn <Kathryn.Gerrard2@manitoba.ca>; Sims, Elliot <Elliot.Sims@manitoba.ca>
Subject: FW: 23(1)(a), 27(1)(a) [REDACTED]

Sharing below for information. Let me know if any questions or further information needed.

23(1)(a), 23(1)(b), 27(1)(a)

[REDACTED]

