

MANITOBA CLEAN ENVIRONMENT COMMISSION

HEARING

VIVIAN SILICA SAND EXTRACTION PROJECT

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Transcript of Proceedings
Held at Mennonite Heritage
Village
Steinbach, Manitoba
MONDAY, MARCH 6, 2023
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CLEAN ENVIRONMENT COMMISSION
Jay Doering - Chairman
Laurie Streich - Commissioner
Ian Gillies - Commissioner
Terry Johnson - Commissioner

SIO SILICA CORP
Feisal Somji - President and CEO
Laura Weedon
Brent Bullen - COO

ARCADIS
Gerd Wiatzkia

ADDITIONAL SPEAKERS
Peter Crocker - Secretary
Sander Duncanson
Dennis LeNeve
Jason Mann, MSSAC
Bryon Williams
Ted Cole
Janine Gibson
Gary Dyck
Doug Redekop

Reporter: Katryna Chalapenko

1 MONDAY MARCH 6, 2023

2 UPON COMMENCING AT 7:02 P.M.

3

4 THE CHAIRMAN: So, good evening, and
5 welcome to the first in the series of Sio Silica Manitoba
6 Clean Environment hearings dedicated to hearing from
7 members of the public. I want to acknowledge that we are
8 here today on Treaty 1 territory, the original lands of
9 the Anishinaabe, Cree, Oji-Cree, Dakota and Dene people,
10 and on the homeland of the Metis nation.

11

12 For those of you who have not yet
13 registered with the commission secretary to speak, Peter
14 is at the back. I encourage you to do that while I go
15 through a little bit of a preamble to make sure we're all
16 up to speed and on the same page.

17

18 So, for those of you that haven't been
19 attending our daytime hearings, my name is Jay Doering,
20 and I'm the chair of this panel, which is conducting the
21 review of the silica sand extraction project. Like to
22 introduce my fellow commissioners, starting here on my
23 left, I'll -- I'll just do it, Ian -- commissioner Ian
24 Gillies, commissioner Laurie Streich, and commissioner
25 Terry Johnson. Continuing further down the table we also

1 have our legal counsel here, Bill, if you could raise your
2 name, Bill Bowles, and our writer Bob Armstrong.

3

4 I'd like to recognize our participants, and
5 the word participants has a specific meaning in the
6 process and guidelines of the Clean Environment hearings.
7 A participant means a person or group of persons
8 designated as such by the Commission in accordance with
9 the practice direction party status. The participants for
10 this hearing are -- not these series of hearings, not for
11 this evening specifically, Dennis LeNeve, Royal
12 Municipality of Springfield, Our Line in the Sand,
13 Municipal Silica Sand Advisory Committee, and Manitoba
14 Eco-Network.

15

16 In terms of a little background, we're here
17 today because on November 15th, 2021, the minister asked
18 us to hold public hearings to review the environmental
19 impact statement prepared by CanWhite Sands, now Sio
20 Silica, for the silica sand extraction project. We are
21 guided by amended terms of reference issued to us by the
22 minister on January 13th, 2022, and under those terms of
23 reference we are, and I quote, "Conduct a technical review
24 of the Environmental Act Proposal and the hydrogeology and
25 geochemistry assessment reports, provide advice and

1 recommendations to the minister regarding potential
2 environmental and health effects of the proposed
3 sequential instillation, operation and decommissioning of
4 silica sand extraction wells for the silica sand
5 extraction project, hold public hearings to provide
6 members of the public the opportunity for input, which
7 tonight, prepare a final report with the minister. The
8 report is to outline the results of the commissions
9 review, document what we heard, and provide advice and
10 recommendations for the ministers consideration.

11

12 Our weekly meetings, unlike this evening,
13 have consisted or will consist of five parts. A series of
14 presentations from the proponents consultants followed by
15 questions from the participants and the panel,
16 presentation from the CEC's advisors followed by
17 questions, which is where we left off today, presentations
18 from the participants, a rebuttal from the proponent, and
19 finally, closing arguments from both the participants --
20 both the participants and the proponent.

21

22 The proceedings of all our meetings are
23 transcribed. This is a requirement of the Environment
24 Act. The oral statement is a chance for you to give those
25 present your personal -- share your personal knowledge,

1 your views, as well as concerns that you might have about
2 the project. You are welcome to ask questions of the
3 proponent. They are not obliged to respond.

4
5 With that as a bit of an intro, I would
6 like to introduce the members of the proponent who are
7 present. Feisal Somji who's the president and CEO, he's
8 seated at the front table, Brent Bullen, Chief Operating
9 Officer, and Laura Weeden, Vice President of Operations.
10 They've also engaged experts that are with them this
11 evening, Sander -- Sander Duncanson and Jessie Baker, our
12 legal counsel for Sio, Steve Bundrock from Stantec, and I
13 think I saw Steve, thank you Steve, Ryan Mills from AECOM,
14 and Cliff Samoiloff from AECOM.

15
16 I would note that if there is anyone in our
17 community or generally from the area who is unable to
18 attend our sessions but wish to provide us with a written
19 statement, they are more than welcome to do so. A written
20 submission may be sent by way of a letter, an email, or
21 you can go directly to the website and send us -- send us
22 comments directly. The commission will continue to accept
23 written statements until the hearing record closes on
24 March 24th, 2023.

25

1 So, with that, I would now like to move to
2 hear from those of you who are here to make oral
3 submission to this panel. Please come to the -- to the
4 front, not to the small table, but we'll ask you to sit at
5 the large table so that you can face the audience.
6 Statement your name and spell it for the transcriber, and
7 the reason we do that is the transcriber unfortunately is
8 in Toronto, and they cannot see you. So, we need to give
9 them cues. Each member of the public will have 15
10 minutes, and I should note, you will be sworn in by the
11 commission secretary, Peter Crocker.

12

13 So, the first name I have is Gary Dyck.
14 Gary, are you in the room? Please, come up to the front,
15 sir. I will start the 15 minute clock after you've been
16 sworn in, sir.

17

18 MR. CROCKER: Secretary. Could you state
19 your name and spell it for the record please?

20

21 MR. DYCK: Gary Dyck, G-A-R-Y D-Y-C-K.

22

23 MR. CROCKER: Secretary. Gary, do you
24 solemnly affirm that the evidence to be given by you shall
25 be the truth, the whole truth, and nothing but the truth?

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MR. DYCK: I do.

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MR. CROCKER: Thank you.

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THE CHAIRMAN: Chair. Mr. Dyck, the

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floor is yours.

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MR. DYCK: Thank you. Yeah. I'm Gary

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Dyck. I'm the executive director here at the Mennonite

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Heritage Village, and it's been our privilege to host this

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hearing, and somehow I got the first slot here, maybe

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because I knew about it first, but yeah. It's -- it's

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been my privilege also to -- to listen from time to time

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to the -- the hearings, the reports. I've heard

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significant, you know, presentations, scientific studies,

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and presentations being offered, and reflected on how

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myself, you know, how we need to keep listening to each

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other, and how we -- most of us take clean water for

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granted, and there is much in life that is now automated

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and controlled by us humans, and -- and we often lose

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sight of the value of the resources we receive and use

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today.

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Just recently in March -- beginning of

1 March, Manitoba Mennonite Historical Society released a
2 little journal about the early water challenges, and I'm
3 just going to share a couple things historically and
4 socially, and that's my -- my perspective, that is what I
5 bring.

6
7 Historically, Mennonites have always had a
8 close connection with water, whether it be learning to
9 develop dikes in the lowlands of Holland, the swamps of
10 the Vistula Delta, which is modern day Poland, or making
11 use of the rivers of Imperial Russia. When Mennonite
12 settlers arrived in Manitoba and Latin America, one of
13 their most vital needs was to find and establish a good
14 source of water. They needed it for drinking, there's no
15 bottled water in the stores, cooking, washing, fire
16 control, wood barns with hay often burn easily, animal
17 water, and even for recreation. Ponds and rivers made
18 great swimming holes in summer, and skating rinks in
19 winter.

20
21 However, it was not as abundant and easy to
22 access for some. For those that settled in the Rosenort,
23 Morris, Niverville areas, the aquifers were contaminated
24 by brine deposits lower down, and they had to rely on
25 rainwater, river ice, and melted snow. We learned that

1 not all water is readily useable. I'm sure many were
2 thinking of leaving Manitoba at that time. This is in the
3 1800's and early 1900's. Fortunately, they could get
4 water from the Metis, who hauled it long distances from
5 rivers with their ox carts. Eventually deeper wells were
6 established, thank to -- thankfully to a new business like
7 Friesen Drillers, which is our next door neighbour here.
8 Safe water supplies were found, we could stay, and live a
9 good life.

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In Canada, Mexico, and other areas where
Mennonites reside, a safe and clean water supply is
becoming increasingly strained. Today our houses are more
numerous, our animal barns more fuller, and our
precipitation less predictable. Let's not add to the risk
that our precious aquifers are already dealing with. More
and more, there are less places with such a good supply of
potable water as we have in southeast Manitoba. Although
it easily comes to us hot and cold through pipes in our
grounds, let us never forget our reliance on clear water
for daily survival.

Finally, the past year I've talked to
people across the Mennonite community in southeastern
Manitoba about this extraction project, and I have to say

1 that no one is for it. I have heard a lot of
2 apprehension. If this project goes ahead and years, and
3 even decades later we lose our safe water because of it,
4 we will endure the hardship that comes from it, but we
5 will also hold accountable this generation for what was
6 allowed and decided.

7
8 Five centuries ago, my people, they were
9 draining the wetlands of Europe, and we thought it was a
10 good thing, but now we realize we did too much, and we
11 need to watch. Even centuries later, we need to keep
12 learning and be very careful with how we deal with our
13 resources. Thank you.

14
15 THE CHAIRMAN: Thank you very much.
16 You were well under 15 minutes. Anything else you wish to
17 add, or all good? Thank you very much. Janine Gibson is
18 the next name I have on my list. Janine to the front
19 please.

20
21 MR. CROCKER: Secretary. Can you state your
22 name for the record please and spell it? Thank you.

23
24 MS. GIBSON Yes. My name is Janine, J-A-
25 N-I-N-E, Gibson, G-I-B-S-O-N.

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MR. CROCKER: Do you Janine swear that the
evidence to be given by you shall be the truth, the whole
truth, and nothing but the truth so help you God?

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MS. GIBSON I do.

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MR. CROCKER: Thank you.

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THE CHAIRMAN: The floor is yours Ms.
Gibson, until 7:28.

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MS. GIBSON Thank you so much. I'd like
to start by thanking you commissioners for your service on
this commission, and for the opportunity to speak with you
about my own direct experiences living and working with
water in Springfield and Hanover, and with some of the
team members of Sio Silica as a community resident.

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23

I am serving as the secretary of Our Line
in the Sand, Manitoba, but tonight I'm speaking to you
from my personal experiences only, not on behalf of -- of
our group.

24

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By way of introduction, I am a mother, and

1 a grandmother, an Auntie, and have helped nourish many
2 children to adulthood, and nourish many crops and garden
3 crops to harvest while assisting neighbours, and to do the
4 same personally and professionally. I've served as an
5 agricultural consultant across North America for the last
6 30 years through my business, Creative Health Consulting
7 after studying communicology at the University of Manitoba
8 and psychology at the University of Winnipeg.

9

10 I am trained in environmental risk
11 assessment as a verification officer, accredited by the
12 International Organic Inspectors Association. Organic
13 production standards in any resulting production plans
14 hoping to meet those standards must be based on the
15 precautionary principle requiring safety be proven first
16 for all inputs and processes allowed. I verify as an
17 independent third party auditor that management systems
18 are using their standard operating procedures as described
19 in their organic system plans.

20

21 If they're not following them as described,
22 then I point out in my report where they are not
23 protecting their organic critical control points, and so
24 creating risk where they are not -- where there -- where
25 there could be errors that cause corruption of the organic

1 integrity because humans don't always do what they say
2 they're going to do. So, striving for integrity
3 personally, and assisting others in the process is why I
4 have a career.

5

6 I am profoundly grateful to live on this
7 sacred land in this blessed province. My home and office
8 are on a co-op farm on a gravel ridge 17 kilometres south
9 of Steinbach here in Hanover. My co-op neighbours and
10 myself maintain eight wells on our 240 acre parcel, seven
11 20 to 30 foot sand points, and one 380 foot hardwater well
12 into the carbonate aquifer. I have counted 72 intensive
13 livestock operations within a five mile radius of our
14 farm. Because of this, I have worked with neighbours on a
15 community we call The Pansy Groundwater Committee since
16 2002 striving to preserve groundwater purity.

17

18 I was raised just off Sapton Road north of
19 Oakbank on a sandy ridge. My parents purchased a bankrupt
20 broiler production facility in 1966 and turned it into a
21 horse barn and riding arena for my family's love of
22 horses. I'll just mention here that I've seen many issues
23 in poultry barns around water quality, and healthy water
24 is extremely important. So, I wonder if the water issues
25 I experienced on that farm may have contributed to the

1 difficulties that farm family experienced.

2

3

4 What appeared to be -- so, we had constant
5 water issues while we lived there. What appeared to be
6 orange acid drainage in the water wasn't just iron
7 bacteria, ate through plumbing parts regularly. Our
8 plumbing was also disintegrating. So, what -- was it
9 pyrite in the sand reacting to oxygen? I don't know. I
10 didn't do water tests in those -- in those days like I do
11 now. Constant maintenance of the plumbing for the house,
12 and the barn, and the well was required to keep water
13 running. Much water treatment was required for it to
14 drinking quality for us and our livestock. Still, our
15 water glasses and trough bottoms would fill with orange
16 iron precipitate.

16

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18 That lived experience of the stress of
19 maintaining the plumbing, holding the flashlight so very
20 often for my younger then smaller brothers to squeeze down
21 into the well to conduct maintenance, replace parts, is
22 probably a contributing factor as to why I do not take
23 water for granted. We choose to live very simply on our
24 co-op with walking water instead of running water. The
25 water here from most of our wells also leaves orange
precipitate when it settles.

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In my role as an organic verification officer, I have reviewed water tests for -- for potability, for livestock, and use and irrigation across Springfield, and several of the other concerned municipalities participating in these hearings. I've signed confidentiality statements, so I can only make general statements.

I've seen a high range of high arsenic levels across Springfield operations, levels very near the allowable potability limit for livestock in the yearly tests reviewed during my annual audits. For those of you who don't know, certified organic operations must be audited by an independent third party every year to prove they're doing what they say they're doing.

Some facilities have not been able to maintain organic certification with water issues involved due to the heavy metal levels. Organic livestock standards require yearly testing for quality parameters. Some areas of these municipalities show the heavy metal levels in the test results are higher than others in the same general region. An anecdotal theory based on my observations only of these test results and the respective

1 operations that I've seen is that arsenic levels appear to
2 be connected to various amounts of heavy metal leeching
3 rock reacting to disturbance.

4
5 In the spring of 2019, some colleagues in
6 Springfield told me of a commonly used hiking wilderness
7 area just south of Vivian had changed hands, and now had
8 piles of uncovered silica over which kids were riding
9 their bikes. So, see attachment A. Attachment A, I was
10 hoping they might be up, but I know the commissioners have
11 them, are some of the photographs I took during when I
12 first came to see the sand piles. There was no signage at
13 all. I was asked to assist in protecting neighbours in
14 Vivian from silicosis, which even minute exposure to small
15 silica particles can cause. I attended the piles in the
16 two Vivian locations, 42053 Centre Line Road, and seeing
17 no signage at all in an area I could see had public
18 access. I examined the areas, the test wells, and piles
19 of silica closely.

20
21 So, the first picture attachment A shows,
22 and it varies with the quality of the photo, tracks,
23 children's bike tracks up and over the silica piles. I
24 was asked to speak on CJOB with Mr. Bullen, Sio Chief
25 Operating Officer, about the proposed CanWhite Sands

1 project, now called Sio Silica Mining Project. I asked
2 Mr. Bullen directly on radio why, if they wanted to be
3 responsible neighbours as he said, had they not erected
4 barriers to prevent access to the silica piles? These are
5 dangerous, and silicosis is a real thing. When handling
6 it, preventative controls need to be in place. He
7 reported that they had installed a gate, but it had been
8 stolen by vandals. He stated the piles were covered, but
9 the wind had blown the tarps off.

10

11 In June 2019, I spent some time at the
12 approaches to both properties. Again, no signs visible
13 anywhere where the piles were located, and neither showed
14 any ground disturbance for any gate posts installed or
15 removed. Remember, I'm a trained verification officer
16 with 30 years experience. I know when something's been
17 installed and removed if the ground has been disturbed.
18 There was no ground disturbance at all. Did they install
19 a gate that hovered in the air?

20

21 None of the pile ground area had any
22 indication of any tarping structures, or wind blown tarp
23 remnants. It did not appear any spring clean up had taken
24 place because there was given the degree observed -- the
25 degree observed around, but no wind torn tarps, or

1 remnants of tarps of any kind were seen.

2

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4 As there was no signage on the property,
5 which appeared freely open to the public, and as I'm
6 trained in soil and tissue sampling procedures including
7 maintaining chain of custody forms, I offered to collect
8 sand samples from the silica piles in June 2020. Our
9 hypothesis was that given our experience with wells and
10 sand in the general area, the sand would not be as pure as
11 CanWhite Sio claims. Our theory was that it would likely
12 require cleaning, which results in acid drainage to be
13 pure enough for technical glass production. We were very
14 familiar with the damage left on Black Island for the
15 Hollow Water First Nations people to deal with.

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 Please see attachment B, ALS global chain
of custody sample form, which I completed. And attachment
C, the ALS silica test results. And here I will simply
say to summarize because I'm not an expert, but there are
the results with signed chain of custody forms that the
samples were in my custody until they were shipped by UPS
to ALS Global Labs in Vancouver where they were analyzed.
I taped the lids, and signed and dated the tape over the
lids as is the protocol in organic certification when I
have to take tissue samples or soil samples to detect if

1 there have been any chemical drift from neighbours, or any
2 chemical drift of the -- if the municipalities are
3 spraying the ditches.

4
5 So, I attended 42053 Centre Line Road
6 silica pile still with no property signage with Mr. Dennis
7 LeNeve and others to collect a variety of sand samples,
8 which we photographed during the collection process, and
9 labelled on site with chain of custody paperwork completed
10 for ALS Labs. The samples were sealed with tape, signed
11 with time and date, remained in my custody alone until
12 sent by me by UPS to ALS Global Labs in Vancouver. Once
13 ALS Labs determined where the analysis would best be
14 conducted, so there was a bit of a delay between when I
15 sampled them, but they were all sealed and covered before
16 they were analyzed.

17
18 Please refer to attachments D, E, F, and G.
19 These are photographs of the sand samples. So,
20 photographs of me sampling the sand, labelling the sand
21 samples, describing what they are. You can see I'm
22 clearly wearing gloves during the process. The lab -- so,
23 I described that, yes. The lab test results indicated the
24 purities results were lower than the test results
25 published by CanWhite. So, there's slighter higher levels

1 of pyrite, slightly higher levels of a number of things,
2 but basically it's my understanding that Sio has been
3 saying that their sand is 98 percent pure. I don't have
4 that exact figure in front of me, but my test results show
5 that there's more impurities in the sand.

6
7 This lower purity would cause more expense
8 environmentally and fiscally to address. The public costs
9 would likely far outweigh any private benefits for the
10 owners of the company. There is no margin for risk in our
11 drinking water, and here I have to amend my statement, my
12 next statement, which I had done quite a bit of research
13 to back up. Mined areas are never successfully
14 remediated. I asked that question of a mining expert here
15 today, and he could list a few examples. So, I would
16 change that to seldom successfully remediated.

17
18 Mining is one of our most environmentally
19 damaging activities, which needs greater accountability.
20 With the best of intentions, I like all human beings make
21 mistakes. Occasionally serious mistakes, which I strive
22 to immediately rectify. The most charitable
23 interpretation I can infer is that Sio has made serious
24 mistakes in providing information to citizens.

25

1 It is hubris to think that such a complex
2 proposal involving so many variables as this silica mining
3 proposal in our drinking water will not show us the gaps
4 existing between theory and practice in the natural world.
5 Our agriculture and our communities cannot afford this
6 gamble. Aquifers cannot be remediated once water quality
7 is degraded. Corporate malfeasance must be prevented.

8
9 The Sio Silica team are asking for the
10 public trust with our drinking water. To quote Maya
11 Angelou, "When someone shows you who they are, believe
12 them." Actual interactions with myself as a concerned
13 neighbour by Sio staff have lacked respect and honest
14 engagement. Forgiving human mistakes is different than
15 indulging corporate greenwashing of a risky experiment
16 with potentially devastating irreversible consequences.

17
18 My direct experience of Sio financed ads
19 about sharing citizen science called spreading
20 misinformation of concerned neighbours, asking for
21 accountability, being called thieves and vandals, of the
22 public media greenwashing of a dangerous corporate profit
23 at public expense experiment makes me wonder at the
24 variety in world views we see around us today. I pray for
25 compassion.

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Why is it when we destroy creation, Gods creation, it is called progress, but when one destroys what man makes it's called vandalism? Are we ready to see we are part of creation, part of our environment? Not separate from it. That what we do to our water, to our environment we do to ourselves, our children, our grandchildren, in fact, to all our relations.

The discoveries of quantum physics have moved us away from the oversimplification of Newtonian physics most in these hearings were taught where we can chop up reality and think we can see the whole by analyzing isolated parts. We now need to see the integrated hole of both our natural reality and any development proposal, including long term impacts of our choices when we choose to live with integrity and responsibility. This means moving away from an extracted economy to resilient sustainable choices.

The current Sio project proposal cannot be assessed for safety with the existing gaps in the data provided. This proposal is too high risk. The Sio Silica team does not have public confidence in trusting the integrity of their theoretical models, or their follow

1 through on monitoring, or their capacity for remediation.

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Further to that, I believe it is a demonstration of current provincial government regulatory capture that this highly risky venture has proceeded to this level of consideration at all. Thank you for your consideration of these concerns, and for your time and attention.

THE CHAIRMAN: Chair. Thank you very much, Ms. Gibson. I gave you the latitude of an extra minute or so there. I could see you were winding up. Doug Redekop. Doug, are you in the -- please come up to the front. The commission secretary will swear you in, sir.

MR. CROCKER: Secretary. Can you state and spell your name for the record please?

MR. REDEKOP: My name is Doug Redekop, D-O-U-G R-E-D-E-K-O-P.

MR. CROCKER: Do you Doug solemnly affirm that the evidence to be given by you shall be the truth, the whole truth, and nothing but the truth?

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MR. REDEKOP: Yes, I do.

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MR. CROCKER: Thank you.

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THE CHAIRMAN: Chair. Thank you, Mr.

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Secretary. Chair. Mr. Redekop, the floor is yours until

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MR. REDEKOP: My name is Doug Redekop. I'm

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here to speak out in favour of this project. I've lived,

12

worked, played, and invested in this community for the

13

past 50 plus years. I've been a part of the livestock

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industry for 35 plus years and have seen how we've grown a

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thriving industry we can be proud of.

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The livestock industry has faced some of

18

the same challenges as the project being proposed here

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today and has risen to the occasion. Clean water

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certainly being one of them. I can't stress enough how

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important a strong economically viable and responsible

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community is necessary for our wellbeing, both today and

23

tomorrow.

24

25

We as citizens are constantly being asked

1 for more. More healthcare, more education, more housing,
2 more charity, more life. And I'm here to tell you today,
3 surprise or no surprise, this all comes from us.

4
5 Canada is a resource rich country, and we
6 need to reverse our mindset. We must stop exporting our
7 valuable resources to other countries. Our jobs, our
8 revenue. We have strict environmental regulations that
9 are proven to work. We can be environmentally responsible
10 and provide an economic future for our kids at the same
11 time. I ask you, let's put our emotions aside, and let
12 the process work. Thank you.

13
14 THE CHAIRMAN: Chair. Thank you, Mr.
15 Redekop. I only have three names on my list. Are there
16 other members of the public that wish to speak? If not,
17 we're all going home. Peter, do you see anyone back
18 there? Chair. Going once, going twice. We are adjourned
19 for the evening. Thank you all for coming out.

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AFFIDAVIT OF COURT TRANSCRIBER UNDER SECTION 31 OF THE
EVIDENCE ACT

I, Katryna Chalapenko, Court Transcriber, HEREBY MAKE OATH AND SAY, that the foregoing typewritten pages contain a true and correct transcription of the recorded proceedings provided herein to the best of my knowledge, skill and ability.



Court Transcriber
March 6th, 2023