

MANITOBA CLEAN ENVIRONMENT COMMISSION

REGIONAL CUMULATIVE EFFECTS ASSESSMENT

PRE-HEARING MEETING

VIVIAN SILICA SAND EXTRACTION PROJECT

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Transcript of Proceedings
Held at Winnipeg Convention
Centre

Winnipeg, Manitoba

THURSDAY, JANUARY 19, 2023

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CLEAN ENVIRONMENT COMMISSION

Jay Doering - Chairman
Laurie Streich - Commissioner
Ian Gillies - Commissioner
Terry Johnson - Commissioner
Bill Boles or Kelly Dixon - Legal Counsel
Peter Crocker - Secretary to the Commission

MANITOBA ENVIRONMENT, CLIMATE AND PARKS

James Capotosto - Director
Siobhan Burland Ross

SIO SILICA CORP

Feisal Somji - President and CEO
Sander Duncanson - Legal Counsel
Laura Weedon
Brent Bullen - COO (on phone line)

DENNIS LENEVEU

MANITOBA ECO-NETWORK

Glen Koroluk - Executive Director
Chris Klassen - Legal Counsel

MUNICIPAL SILICA SAND ADVISORY COMMITTEE (MSSAC)

Christie Boryskavic - Legal Counsel
Micah Zerbe - Legal Counsel
Doug McNeil

RURAL MUNICIPALITY OF SPRINGFIELD

Colleen Draper - CAO
Mark Prydun

OUR LINE IN THE SAND

Janine Gibson
Tanzi Bell
Byron Williams - Legal Counsel

WHAT THE FRACK
Susanne McCrea

Reporter: Stephanie Mayerhofer

1 THURSDAY, JANUARY 19, 2023

2 UPON COMMENCING AT 1:00 P.M.

3

4 THE CHAIRMAN: So, welcome to our second
5 and final pre-hearing meeting. I'll ask you to turn off
6 your cellphones, or at least to put them onto vibrate (sic),
7 as I have done. We acknowledge that we are meeting in
8 Treaty 1 territory, the traditional territory of the
9 Anishinaabe, Cree, Ojibwe, Dakota, and Dene People, and
10 on the homeland of the Metis Nation. I'd like to welcome
11 all of you, those returning and those that might be with
12 us for the first time. Hopefully, you'll find today's
13 session useful and informative. We'll try to lay out what
14 will happen once we get into the hearings beginning in
15 Steinbach in a few weeks, followed by a day in Anola, and
16 then a week in Beausejour. I'll start with some short
17 introductions from the people at the table, beginning with
18 those to my left and right, but before I do that, I do
19 want to note that we've had some serious difficulties, as
20 you probably know, with the first transcript at our last
21 pre-hearing. We are confident that we've resolved those
22 technical issues, but please abide by the following.
23 Introduce yourself each time you start a new conversation.
24 The transcribers can't see you. All they can do is hear
25 you. So, they have no idea who's speaking. If you don't

1 introduce yourself, either myself or the secretary will
2 interrupt you to establish your identity. Pull the
3 microphone reasonably close to your mouth, but try not to
4 eat it. We can hear a few -- we can't hear you if you sit
5 back in your chair. Your contribution will not be
6 recorded in the transcript.

7
8 So, as I said, my name is Jay Doering. I'm
9 the chair of this panel, and we'll be conducting the --
10 we'll be holding -- chairing the -- chairing this -- this
11 panel for the Sio Silica Sand Extraction project. So,
12 Bill Boles is our legal counsel. He's to my left. Peter
13 Crocker is our newly appointed secretary. Cathy is here.
14 She's sitting down over there. Cathy Johnson is here to
15 assist with the transition to our newly appointed
16 secretary. Ian Gillies. Ian, raise your hand, is to my
17 left. Laurie Streich and Terry Johnson are commissioners
18 and member (sic) of this panel, and they are to my right.
19 At the table is another new member of the Clean
20 Environment Commission, Courtney Harmer. And that takes
21 us to the end of my introductions.

22
23 So, let's do a lap around the table and see
24 how we do with the microphones. So, I'm going to turn
25 mine off. And why don't we start on this side and go

1 around and please tell me who you are and why you're
2 sitting at this table briefly.

3

4 MR. BULLEN: Good afternoon. My name is
5 Brent Bullen. I'm Chief Operating Officer of Sio Silica.

6

7 MS. WEEDON: My name is Laura Weedon. I'm
8 the VP of Operations of Sio Silica.

9

10 MR. DUNCANSON: Hi, everybody. My
11 name is Sander Duncanson. I'm legal counsel for Sio
12 Silica.

13

14 MR. WILLIAMS: Good afternoon. Byron
15 Williams. I'm wearing two hats. I've got on a Manitoba
16 Mantle Eco-Network hat and an Our Line in the Sand hat
17 because Mr. Klassen's not here today. So, to my left is
18 Mr. Koroluk of the Manitoba Eco-Network, and Tanzi Bell is
19 to my right for Our Line in the Sand.

20

21 MR. PRYDUN: Good afternoon. My name is
22 Mark Prydun, Special Projects Coordinator with the RM of
23 Springfield, and acting as -- on the panel with its
24 participants.

25

1 MS. MCCREA: Good afternoon.
2 McRae. I'm here representing What the Frack Manitoba as a
3 concerned citizens group.

4
5 MR. LENEVEU: My name is Dennis LeNeveu.
6 I'm here as a participant. I'm also affiliated with What
7 the Frack Manitoba and was asked to help the local group,
8 Our Line in the Sands (sic).

9
10 MR. MCNEIL: Good afternoon. My name is
11 Doug McNeil, and I'm representing Municipal Silica Sand
12 Advisory Committee, which represents eight municipalities
13 in Southeastern Manitoba.

14
15 MS. BORYSKAVIC: And my name is
16 Christie Boryskavic. I'm legal counsel for MSSAC, along
17 with Micah Zerbe.

18
19 MS. ROSS: Good afternoon. I'm Siobhan
20 Burland Ross with the Environmental Approvals Branch.

21
22 MR. CAPOTOSTO: Hi, everyone. My name
23 is James Capotosto. I'm Director of Environmental
24 Approvals Branch.

25

1 THE CHAIRMAN: Well, thank you all.

2 That went very well. All right. We're all practiced now.

3

4 Okay. So, the purpose of our first pre-
5 hearing meeting was to set agendas and talk about
6 timetables. At this second pre-hearing, we want to talk a
7 bit more about some of the procedures and process
8 guidelines that we will be following once we get into the
9 hearings. I'll come back to this in a little bit. So, we
10 will all also listen to any constructive ideas on how we
11 may improve or make efficient -- more efficient the
12 conduct of our hearings. So, if something occurs to you,
13 please feel free to make suggestions. We've almost
14 completed two rounds of information requests with
15 questions submitted and some responses filed. We kicked
16 off that process in late November, and it will be
17 completed next week. I'd like to thank all the parties
18 for being very diligent in getting the requests in on time
19 and thank the proponent for meeting the timetable for
20 responses, including those that are expected to arrive
21 next week. And I think that's all I have to say on the
22 process to date. Are there any questions? Okay. So, I
23 would like to turn now to our hearing schedule. The
24 hearing schedule stands as it is today. However, it's
25 always subject to change, and you would be notified if

1 there are any changes. Yeah, I know. It is -- it is what
2 it is unless we change it. Our current schedule is to
3 commence hearings in Steinbach in just over five weeks on
4 Monday, February 27th. I think it's important to note at
5 this time that Sio Silica committed to releasing a
6 modification to the well cluster plan, but to the best of
7 my knowledge, that has not yet happened, and it is
8 critical information to be provided to all parties to make
9 informed representation to this hearing. So, if this is
10 not done, it will impact the hearing schedule. So, thank
11 you for that. That first week, we will meet during the
12 daytime from Monday, February 27th to Thursday, March the
13 2nd at the Mennonite Heritage Village in Steinbach. We
14 will start off on the February 27th with a brief summary
15 of the departmental environmental review process followed
16 by opening statement. Initially by the proponent,
17 followed by each of the participants. Opening statements
18 will be limited to ten minutes each. The second week, we
19 will again be in Steinbach, Monday, March 6th. We will
20 meet during the afternoon starting at 1:30 p.m. breaking
21 for dinner, and reconvening for public presentations in
22 the evening from 7:00 to 9:00. On Tuesday, March the 7th
23 through to Thursday, March the 9th, we will resume our
24 daytime meetings, 9:30 a.m. to 4:30 p.m. On Saturday,
25 March the 11th, there will be a morning and afternoon

1 session at the Anola Community Club. The hearing in Anola
2 should provide the ability for those in the area to attend
3 closer to home and will also provide an opportunity for
4 those who are not able to attend during the week. The
5 third week's hearing schedule will be held at the
6 Brokenhead River Community Hall in Beausejour, we'll begin
7 at 1:30 p.m. on Monday, March 13th with an evening session
8 from 7:00 to 9:00, reserved for public presentation. We
9 will resume the daytime schedule of 9:30 a.m. to 4:30 p.m.
10 until Thursday, March 16th. The evening sessions and that
11 in Anola on the weekend are designed to hear from the
12 residents of the project area. So, there is no
13 requirement for participants to attend. If you want to
14 attend, no problem, you can. But there is no role for you
15 other than to listen and observe. The panel wants to hear
16 from the local people what their comments might be about
17 this project, okay? I'm just gonna keep motoring unless I
18 see a hand fly up. If it becomes necessary to add an
19 additional week as things unfold, we will advise you
20 accordingly. For those you who are new to this process, I
21 would like to just say please be ready to go every day at
22 the start time, 9:30 a.m. and 1:30 for the afternoon
23 sessions. To be fair to all people, we will start on
24 time, and I do tend to be very punctual. So, you can
25 count on me starting on time. The hearing dates will be

1 made public in next week or so and will be posted on our
2 website. Daily agenda items will be added as they become
3 available. Written submissions from the public are also
4 accepted. The deadline for these is February the 13th.
5 Any written submission received by the Commission will
6 also be provided to all parties. In Steinbach, we will
7 start off on February 27th with brief opening statements
8 initiated by the proponent, followed by each of the
9 participants. Am I going in circles here? No. But I
10 think we have a duplicate paragraph so my apologies for
11 that. The order of the participants for opening
12 statements and for questioning has been provide to you,
13 correct? It should be in front of you. Right. This is
14 in -- this is the order in which you will make your
15 opening statements and questionings. As we have done in
16 other proceedings, you are welcome in consultation with
17 another participant to make either your entire appearance
18 schedule -- sorry, to change either your entire appearance
19 schedule or just for a specific day if you can't make it
20 or you need to change for some reason. But this is the
21 list that we will -- we will go by. If one party wants to
22 swap with another, that's open as long as the secretary is
23 informed. Please advise Peter of any changes or suggested
24 changes to the order of appearance. All good on that? On
25 February 27th, as always, we are open to an opening prayer

1 by indigenous representatives. So, we'll see how that
2 unfolds. Then we will turn to consideration of the
3 environmental proposal. You have the materials that Sio
4 Silica has provided, and we'll cover in the first week.
5 We estimate that it will take one week to get through Sio
6 Silica's submissions and the examination of those
7 submissions. We will be consulting with them to determine
8 how they will present their materials and advise the
9 group. That is, in parts or as one presentation. It is
10 expected that the beginning of the second week the CEC's
11 experts will provide an overview of their technical
12 assessment, followed by questioning. We will also begin
13 to hear from residents in the area on the Monday evening
14 and from participants during the week. In Anola, we will
15 also hear from local residents. We will then move to
16 Beausejour to finish the participant presentations, hear a
17 rebuttal from Sio Silica, and closing arguments from all.
18 The record will remain open for one week until noon
19 Friday, February 24th to receive written materials in
20 support of closing arguments. This is the proposed --
21 this is the schedule proposed at this time. As I noted at
22 the onset -- and we will re-emphasize that it is very much
23 open to change. More detail will be added as we approach
24 the hearings, and some aspects could, and likely, will
25 change. We will keep participants advised of those

1 changes. Are there any questions regarding the hearing
2 schedule?

3 MS. BORYSKAVIC: Chris Boryskavic on behalf
4 of MSSAC. So, in week three, you're looking at hearing
5 from participants in terms of closing statements. Is that
6 also when we have our opportunity to present our
7 witnesses?

8 MR. CROCKER: Sorry. Could you repeat the
9 question?

10 MS. BORYSKAVIC: Certainly. So, if a -- if
11 a participant has technical experts that they would like
12 to call as witnesses before the Commission, is that
13 anticipated to occur during that week three piece, or --
14 or when -- where does that fit in the process?

15 MR. CROCKER: That would probably be in
16 week two. Yeah.

17 THE CHAIRMAN: Chair. Other questions?

18 MR. WILLIAMS: Byron Williams for Manitoba
19 Eco-Network and Our Line in the Sand. Just a general
20 comment if I might. I -- I think it might be a bit
21 optimistic that the proponent makes it through on week
22 one. Obviously, we'll -- we'll -- we'll be alive to that.
23 And then I have a question about the nature of the
24 evidence from the CEC independent witnesses. And I don't
25 know if this is the appropriate time to ask it or if I

1 should ask at a different time. It's more substantive
2 than scheduled, sir.

3 THE CHAIRMAN: Chair. You can ask.

4 MR. WILLIAMS: In terms of -- obviously,
5 we've -- we've all reviewed and welcomed the independent
6 assessment of the technical experts retained by the Clean
7 Environment Commission. Those were taken at a point in
8 time, and will their evidence be locked in -- locked in at
9 that point in time, or will they be addressing the
10 developments and the record on the file as it's developed
11 since the filing of their -- their evidence? And
12 supplemental to that is if they are moving beyond the --
13 what they said back in September, October, will they be
14 filing anything additional in writing?

15 THE CHAIRMAN: Chair. So, let me take a
16 stab at that. I would expect that any evidence given by
17 our experts would be up to date. So, it would be -- it
18 would be fluid. It would take into account new
19 information. And I'm sorry, what was the second part?

20 MR. WILLIAMS: Will they be filing anything
21 more in writing, recognizing that they are responding to
22 the -- to the record as it's developed? So, there's been
23 a fair bit of material filed since then. So, will there
24 be anything more in writing from them prior to the hearing
25 which might expedite how we approach examination of them?

1 THE CHAIRMAN: Chair. So, I don't know the
2 answer definitively to that. I -- I think we'll have to
3 see how that -- how that unfolds. Clearly, they will be
4 making a representation to this -- to this -- to this
5 panel and to these -- to the participants.

6 MR. WILLIAMS: And Byron Williams with one
7 more question. Just noting that the date for written
8 submissions by the public is February the 13th, and that
9 the record is still incomplete in that we're still
10 awaiting information from -- from the proponent in -- in -
11 - and in -- is there some possibility that that might be
12 extended? Especially recognizing that the record is -- is
13 not yet complete?

14 THE CHAIRMAN: Chair. I'll take that under
15 advisement.

16 MR. MCNEIL: Doug McNeil with MSSAC.
17 (inaudible). Okay. Is it on?

18 UNIDENTIFIED SPEAKER: Yeah. Yeah.

19 MR. MCNEIL: Doug McNeil. MSSAC. So, with
20 regard to the CEC technical experts, I think I heard the
21 Chair just say that they would be given an opportunity to
22 present to the hearing. And so, what week does that
23 occur? Is it in the second week, when you mentioned that
24 the CEC is making presentations? And when do we get a
25 chance to ask questions of them since we weren't allowed,

1 or they weren't allowed to answer our questions early in
2 the process?

3 THE CHAIRMAN: So, our experts will be with
4 us for week two. So, I would anticipate that they will
5 present, and I would expect that they would take questions
6 at that time. The -- the mode for that I think has -- has
7 not been determined yet, whether they will be here, or
8 whether it will be virtual, or how that might happen.
9 Chair. Are there other questions?

10 MR. LENEVEU: I just have a question about
11 presentations by participants, and when will that be, and
12 how long will each participant's oral presentations be
13 given?

14 MR. CROCKER: Sorry. Dennis, that was --
15 you didn't say your name so -- so, I'm secretary, but that
16 was Dennis who asked the question before. That range is
17 usually between an hour and two hours that it's available
18 for the participants to -- to make those presentations.

19 MR. LENEVEU: We just have an hour?

20 THE CHAIRMAN: (inaudible).

21 MR. CROCKER: So, yeah. That an -- an hour
22 -- secretary, that was an hour or two for participant.
23 And that would -- I'd have to double check the schedule
24 quickly, but I can -- I can get back to you on that.

25 THE CHAIRMAN: Chair. Are there other

1 questions?

2 MR. DUNCANSON: Sander Duncanson. Sander
3 Duncanson. Mr. Chair, I think I -- I -- I heard you say
4 materials for closing submissions were due a week after
5 the hearing. Could you explain a little bit more about
6 the process for closing arguments in terms of whether
7 that's gonna be oral or -- or in writing? And -- and I
8 think I heard you say February 24th, but that might've
9 been referring to March 24th.

10 THE CHAIRMAN: That's a good call. Chair,
11 sorry. Chair. Yes. I said the record would remain open
12 for one week until noon Friday, February 24th, but,
13 indeed, that must be March 24th. And sorry, what was your
14 -- your other question?

15 MR. DUNCANSON: Just in terms whether that
16 would be -- when written closing arguments would be
17 submitted, and just to clarify that is the process for
18 closing arguments, that they will be submitted in writing
19 as opposed to orally at the hearing?

20 THE CHAIRMAN: (inaudible).

21 MR. WILLIAMS: Sure. Byron Williams.
22 (inaudible) experience in past practice if -- if that's of
23 assistance.

24 THE CHAIRMAN: Chair. Please ---

25 MR. WILLIAMS: (inaudible).

1 THE CHAIRMAN: (inaudible)

2 MR. WILLIAMS: Bryon Williams. And I'm
3 just speaking based on historic practice, which has been
4 oral -- oral submissions, followed by written submissions
5 a certain after the hearing is what I would -- would be
6 the repeated practice of the Clean Environment Commission.

7 THE CHAIRMAN: Chair. Thank you for that
8 and I see the former secretary nodding so that would
9 appear to be consistent. So, oral with the written record
10 remaining open until noon Friday, March 24th.

11 MS. BORYSKAVIC: Chris Boryskavic with
12 MSSAC. So, just for -- for the sake of ultimate clarity
13 here, when -- when we're -- we're speaking about the way
14 the process will flow, we've got the applicant presenting
15 their application, putting on any experts that they may
16 have to -- to support that application. The participants
17 would get to question those experts, correct? Okay. And
18 then the participants would each be making their argument
19 potentially some with -- with experts, some without and we
20 would each get to question those experts as well, correct?
21 Like, so -- so in -- in (inaudible) -- oh, sorry.
22 Correct? So, for instance, Williams in the Manitoba Eco-
23 Network put forward some experts. MSSAC would be entitled
24 or allowed to question those experts as well?

25 MR. CROCKER: Yeah. Let's -- let's --

1 we'll -- we'll just have a quick conference here.

2 MS. BORYSKAVIC: Sure.

3 MR. CROCKER: Otherwise, I think we could
4 have infinite rounds (inaudible) here.

5 MS. BORYSKAVIC: Yeah.

6 THE CHAIRMAN: Chair. So, my understanding
7 is that certainly participants will have an opportunity to
8 question the proponent, but ordinarily, participants would
9 not question other participants or their witnesses unless
10 the position is averse to them. And that -- that -- that
11 call I guess will fall to the panelist to whether or not
12 we will choose to allow that line of questioning.

13 MS. BORYSKAVIC: Thank you. And then I
14 think you already clarified that we will all have the
15 opportunity to question the CEC experts.

16 THE CHAIRMAN: Correct. Chair.

17 MR. WILLIAMS: Chair. Mr. Chair. Bryon
18 Williams with his -- his red light on apparently. Just
19 one other thing that may arise in the schedule is
20 certainly -- we -- we noted that the proponent is deferred
21 or deflected some information request to government
22 departments, including mines and groundwater folks. And
23 we'll contemplate this, but it is possible our client
24 might be requesting a subpoena to -- to compel those --
25 those folks. That'll obviously be a -- a decision of the

1 panel. We will make our case if -- if that's the time,
2 but I'm just saying schedule wise, that will be just
3 something to keep in mind. And -- so, that's one point.
4 And I guess a general comment is it looks to -- to us that
5 on preliminary that the schedule might be a bit tight, but
6 I know that you have room in for a bit of contingency.
7 So, thank you for that.

8 THE CHAIRMAN: Chair. We remain
9 optimistic. Chair. Are there any other -- please, go
10 ahead.

11 MR. LENEVEU: It's Dennis LeNeveu. Again,
12 question about scheduling for completion of the IRs.
13 There may be a consideration that some of the IRs were not
14 adequately answered in -- in the processor's procedure
15 where you can try and resolve this. So, there must be
16 some schedule for this. Including in the procedures is
17 actual meetings with the proponent to try and make a
18 resolution of IRs that may not have been adequately
19 answered. Is -- how would this impact the schedule?

20 MR. CROCKER: Secretary. I think we
21 wouldn't. If -- if there was still sort of discussions
22 about the appropriateness, or answers, or not, that we
23 would endeavour to get -- resolve that before the --
24 before the hearing started so it wouldn't delay it.

25 MR. LENEVEU: So, if they'll be resolved

1 before the hearings, do we not need some time allocated
2 for this or a -- a -- a schedule, or a -- a -- some sort
3 of deadline, or procedure, or -- how -- how do we advance
4 this? Do we go to the CEC and ask for this resolution
5 process, and then a schedule comes out? I'm just not
6 clear on how this proceeds.

7 MR. CROCKER: Yeah. Secretary. Just hold
8 on a sec. We're just gonna have a quick sidebar on that
9 one.

10 THE CHAIRMAN: Chair. Chair. So, let me
11 just answer that with a -- I guess, a few observations.
12 The IR process has not yet concluded. So, when the IR
13 process concludes, if you feel there are areas that have
14 not been adequately addressed, you can certainly bring
15 those to the attention of the CEC. But I would note, of
16 course, that we have no means to compel the -- the
17 proponent to answer a question in a specific way. Chair.
18 Are there further questions? Okay. So, next on the
19 agenda for today are process guideline highlights. And
20 you were asked to bring the process guidelines document
21 with you. As you will know from our first pre-hearing
22 meeting in October and those of you who have been involved
23 with this in the past, all participants in those
24 proceedings are expected to know and abide by our process
25 guidelines. I just wanna draw your attention to some

1 guidelines that are especially critical, some of which
2 have specific deadlines and reinforce those deadlines
3 today but also to leave with a takeaway so that you know
4 some of -- some of these things. "Application of The
5 Process Guidelines", section 1.02. On the first page of
6 the document is the application of the process guidelines.
7 These cover all of our hearings and our proceedings.
8 However, the second paragraph, which states,
9 "Notwithstanding that it has adopted these guidelines."
10 The Commission may -- may adopt particular procedures for
11 a given case or vary these procedures for a given case.
12 This provides an out to change the process guidelines if
13 we need to, and if there is a compelling reason to do so.
14 Typically, we haven't done other than to improve the
15 process itself. "Communication with The Panel," section
16 1.05. Those of you who are familiar with administrative
17 law, or any legal proceedings will know that "No party is
18 to have direct contact with any member of the hearing
19 panel while the hearings are in process. Any
20 communication with the Commission will occur through the
21 Commission's secretary or through our legal counsel."
22 This is what this section talks about. "Transcripts,"
23 1.06.4. We do verbatim transcripts. In the past,
24 transcripts have been ready the next morning. It is not
25 possible this time, but we will make them available as

1 soon as possible following -- following a hearing session
2 and hopefully within a few days. They are available
3 online from our website. Should we expect in a delay in
4 posting, we will strive to distribute them to the parties
5 as soon as possible. "Conduct of Hearings" 3.10. We will
6 try to keep the hearings reasonably informal, but we do
7 have to have some structure to them. And we also want to
8 note that we want the hearings to be conducted in an
9 orderly and professional matter. "Truth in Swearing,
10 Truth in Proceedings, Swearing In" section 3.14. All
11 persons making a submission, and that includes members of
12 the general public, who are giving evidence will be asked
13 to swear or affirm that the evidence they give is true.
14 If a representation -- if a representative is making a
15 presentation on behalf of an organization, then that
16 representative must also make the same affirmation, but
17 that's only if they are giving evidence that's going to
18 become part of the record. A representative making an
19 opening statement or conducting questioning will not be
20 expected to be sworn or to make an affirmation. Also, we
21 will not be asking elders to affirm. Ceremony associated
22 with their presentation will an acceptable approach to
23 ensuring the validity of what follows. "Time Limits for
24 Presentations," section 3.16. Our guidelines allow
25 presenters to have a 15-minute period in which to make

1 their presentations. Those of you who have been involved
2 in the process and are participants know that there is
3 flexibility here, and that participants will be allowed
4 not an endless amount of time, but a reasonable amount of
5 time to conduct their business to make the presentations
6 and to put on the record all the of the evidence that they
7 wish to have put on the record. Mr. Crocker will be
8 contacting you following this meeting to start to firm up
9 that schedule. He will be finding out how much time you
10 will need to make your representation so we can schedule
11 accordingly. "Adjournments" 3.22. The Commission may
12 adjourn a hearing from time to time for a variety of
13 reasons. We hope not to have to do that in this process,
14 but it has happened in other hearings while further
15 information was produced. Now, we'll move over to
16 "Practice Directions," Appendix A. I would like to draw
17 your attention to some of the practice directions which
18 are appended in our process guidelines. "Party Status,"
19 on Page 22. Just to be sure you understand the rights and
20 obligations attached -- attached to the party status, most
21 of you -- or at least all of you around the table are
22 participants, and you have a fair degree of rights as well
23 as obligations. You will be in entitled to question the
24 proponent and others under certain circumstances. Please
25 note your responsibilities as well. "Order of

1 Proceedings," Page 37. That's really reflected in the
2 schedule that we have already gone through today.
3 "Disclosure, Witnesses, and the 14-day rule," page 42.
4 This section is an important one, especially, the 14-day
5 rule. By noon Monday, February 13th, 14 days before the
6 start of the hearings, you are required to submit to the
7 secretary with a copy to all participants a list of the
8 witnesses that you will be calling, along with brief CVs
9 for your expert witnesses, and a list of the authorities -
10 - of the authorities, journal articles, literature, et
11 cetera upon you -- which you will be relying as you make
12 your presentations. If you will be using community
13 panels, you need only provide the names of the members and
14 an indication of the topic they will address. CVs are not
15 required for community panel members. I'll pause there.
16 Are there questions on that? Okay. In the past, we have
17 given participants a bit of a pass on this by only
18 requiring an outline of your submission 14 days before.
19 This time, we will be following the letter of our -- of
20 our procedures. A full submission will be required by
21 noon 14 days prior to the start of the hearing. The
22 proponent will then have seven days to provide any comment
23 regarding the submission. The proponent must also provide
24 by the deadline a list of their expert witnesses and their
25 CVs. And as you should note, these timelines are strictly

1 enforced. If you are late, you don't get to use that
2 information in the hearing. So, please, please, take
3 particular note of these dates and please abide by them.
4 This is to ensure that all participants have a reasonable
5 time to review each other's materials. If there is one
6 thing that I have learned in my many years of -- of
7 administration, it's the importance of process. And we
8 will be strictly adhering to it. "Questioning," Page 47.
9 Questioning will be permitted to the extent necessary, and
10 you must conduct questioning in a respectful matter and
11 with no intent to embarrass any other party. Questions
12 must be pertinent to the subject matter and the mandate of
13 the hearing -- and the mandate of the hearing. Parties
14 may question other parties only if there are differing
15 views on the issues at hand. On the matter of questions
16 pertinent to the subject matter and mandate of the
17 hearings, I would urge you to take this seriously. The
18 Commission was asked to -- to assess the environmental
19 effects of this project. Matters such as compliance,
20 enforcement of -- of the company's previous activities,
21 the state of silica sand industry, the company's finances,
22 and specifics regarding the process plant are examples of
23 issues outside the mandate of this commission. Should
24 questioning wander into these and other out of scope
25 topics, I will remind you of our mandate and we will move

1 on. "Tip Sheets," Appendix B, Page 52. For those of you
2 who are new to these hearings, you might get a bit of help
3 from a couple of tip sheets that are also in the document,
4 one for presenters and one for representatives. "Code of
5 Conduct," Page 64. You should also note that towards the
6 end of our process guidelines document there is a conduct
7 -- a code of conduct for parties and representatives.
8 It's pretty straightforward stuff. If I could boil it
9 down to a few words, it's just to treat each other with
10 respect and dignity. So, please be aware and -- and
11 please have a look at that. Are there questions on the
12 process guidelines and practice directions?

13 MR. WILLIAMS: Byron William, Manitoba Eco-
14 Network and Our Line in the Sand. I'm just trying to
15 reconcile the submission deadline with the expert report
16 deadline. And as I understand the process pursuant to
17 guideline 3.17.4, "Expert reports have to distributed
18 seven days before the presentation date." So, just for
19 clarity, Mr. -- Mr. Chair, I'm assuming in the -- the
20 February 13th date is an -- a general outline of
21 submissions. If we have an expert, their actual report is
22 due seven days before they're -- they're being called as a
23 witness. Am I right on that?

24 THE CHAIRMAN: Chair. We will get back to
25 you on that.

1 MR. DUNCANSON: Yeah. Sander Duncanson.
2 Mr. Chair, as you're deliberating on -- on that issue to
3 the extent that is the process that the Commission decides
4 to follow, that would make it difficult for the proponent
5 to respond to those submissions seven days prior. So, in
6 my submission, it is important that all parties have a
7 reasonable opportunity to review the submissions made by
8 others, and that would include the expert reports, and
9 that would include Sio having an ability to provide a
10 response to those expert reports as part of the process.

11 THE CHAIRMAN: Chair. Other questions?

12 MR. WILLIAMS: Just to (inaudible) ---

13 THE CHAIRMAN: You're --

14 MR. WILLIAMS: Oh.

15 THE CHAIRMAN: -- you're not on.

16 MR. WILLIAMS: Byron Williams, Eco-Network
17 and Our Line in the Sand. Just to follow up, again, we've
18 got to moving target 'cause the record is -- is not
19 complete and we don't know when it will be complete. So -
20 - but also, as I understand, the purpose of the submission
21 outline is to give a general sense, including the
22 authorities that you rely upon, the record evolves and
23 that's why those -- there are these two different elements
24 in the -- in the guidelines historically. And certainly,
25 it's worked well in our experience. I just wanna see if

1 we're gonna follow the same process or -- or change it.

2 Thank you.

3 THE CHAIRMAN: Chair. Are there other
4 questions or comments?

5 MR. LENEVEU: With regard to -- Dennis
6 LeNeveu. With regard to the participant's submission, a
7 critical feature is -- is extraction new submission that
8 is coming from the proponent, and we need time to pair our
9 submission based on that new evidence. So, is there a
10 deadline for this extraction submission by the proponent -
11 - at -- at least two weeks before the deadline for
12 participant's submissions?

13 MR. CROKER: Secretary. I'm assuming
14 you're referring to the -- the well cluster plan that was
15 -- that was talked about by the Chair previously? Okay.
16 I don't know if this would be appropriate to ask the
17 proponent if -- if -- on -- on -- if you have a timeline
18 for that?

19 MR. DUNCANSON: Sander Duncanson. Yes.
20 Sio is planning to submit that next week.

21 THE CHAIRMAN: I -- Chair. Chair. They
22 plan to submit next week. They plan to submit that next
23 week. Chair. Are there other questions or comments?
24 Okay. So, copies of the presentations should be available
25 the day of the presentation or sooner. Peter will be

1 discussing numbers, and format, and distribution. And
2 with that, I will now turn it over to Peter Crocker, who
3 will talk a bit about a number of other important
4 administrative issues.

5 MR. CROKER: Secretary. Good afternoon.
6 I'm the secretary of the Clean Environment Commission. I
7 just wanted to start out by saying that I am new this
8 role. This is my first hearing with -- with the
9 Commission. I look forward to working with everyone in
10 this hearing process. So, 14-day rule, as already stated,
11 February 13th noon is the deadline to file submissions,
12 CVs, etcetera. This is hard deadline. If it is late, it
13 will not be accepted, and the evidence cannot be
14 presented. The Commission requires an electronic copy of
15 everything submitted. If the material is straightforward
16 and requires standard printing, electronic form is
17 suitable. If it contains larger size documents, such as
18 outsize maps or charts, then the -- the Commission will
19 also need ten printed copies. With respect to the
20 schedule, the first week of the hearing will be taken up
21 by Sio Silica's presentation and -- and the content of the
22 environment proposal. We will be scheduling in
23 participant's presentations between March 7th and 14th. I
24 will follow up with each party regarding -- or each party
25 following this meeting to develop a schedule for

1 participant's presentations. A written submission of your
2 presentation date will then follow. A more comprehensive
3 schedule will be forthcoming once I get details of the
4 presenters and panel members for each party. With respect
5 to presentations, as stated, they are due the day of the
6 presentation. Before your presentations, we will have
7 audio, visual equipment available, a computer, and a --
8 and a projector. Generally, it's more efficient for you
9 to use your own computer with the projector, as you are
10 familiar with your files and where they are on those
11 computers. But we will have a computer available for use
12 if you so choose. In -- in this case, we would ask you
13 pre-load any presentation before the session so that we
14 can ensure that things are working and we don't have to
15 waste time troubleshooting. Now, some tips on making your
16 presentations. Please make your slides readable. You
17 lose the audience if you put too much printing on the
18 slides and it cannot be read. Also, minimize the
19 engineering schematics. Little squiggles on the screen
20 don't help people understand what you're trying to convey.
21 Please watch the colour schemes because there are some
22 people who are colour blind. So, blue may look -- so,
23 different blues may look all the same. So, they may look
24 all grey and you'll lose the impact of your presentation.
25 We cannot stress it enough, please don't use dark

1 background on the presentation materials. It gums up the
2 copy machines and it also makes it hard to write on the
3 copies as -- as well. The panel likes to make notes on
4 the presentation materials as they go along so trying to
5 dark -- write on darker background is hard and they might
6 get grumpy. So, let's try to keep them happy. Please
7 advise your consultants and your witnesses of these facts
8 as well. Numbering your slides -- it's -- can be quite
9 difficult and confusing when questions are being asked if
10 the -- if the particular slide cannot be identified.
11 Copies of materials to be shared at the hearing, please
12 refer to the procedure manual for some tips on the
13 presentations. An electronic copy of all materials is
14 needed by the CEC in whatever form it takes, text,
15 graphic, photos, videos, they can be sent in by email or
16 to us by whatever format's gonna work. File can be too
17 large to email. 15 megabytes seems to be the upper edge
18 of what the government email system likes to accept versus
19 reject. So, you can give us USB sticks, but please make
20 sure that you label them so we can tell who they're from.
21 Make your file names distinctive, not just CEC
22 Presentation. Previously, the secretary has some issues
23 with files named generically and I'd rather not have to go
24 through the presentations to try and figure out who's they
25 are. So, if you could put your name on the -- on the --

1 on the file and on the stick, and -- and name it -- the
2 organization as well so it's distinctive. Same thing for
3 labeling the drives. I'm gonna have sticks all over the
4 place and I won't know what's on them unless they're
5 marked. Please, again, write the numbers in the slides or
6 on any pages of material that are gonna be distributed.
7 We need ten copies of printed material for presentation to
8 the Commission. In addition, 25 copies are needed to just
9 -- for -- for distribution to the proponent and
10 participants, as well as copies made available for the
11 public, if you wish. As all participants are unfunded,
12 the Commission can help make these copies. However, we
13 must receive the information in time to provide at the
14 designated session. Since we're meeting -- the hearings
15 are going on Monday to Thursday, staff will only be in the
16 office on Fridays. They will not be returning every
17 evening to the office. So, if you wish the Commission to
18 print your materials, they must be received by noon on the
19 Friday for the following week. In the past, there has
20 been some discussion that some of the participants would
21 like to -- to prefer to just have electronic copies of
22 presentations. It then becomes a question of how to
23 distribute them in the hearing room, and to determine who
24 has them and who doesn't. So, the practice has been to --
25 to -- to go with paper copies. I think in the future, I

1 would like to pursue an option of a computerized approach,
2 but that's gonna be a future product after this hearing
3 has concluded. And I'm open to discussions for
4 alternative solutions for the transmission of materials,
5 if required. Copy distribution, please, listen carefully
6 for this. On your presentation day, please deposit your
7 copies at the reception desk -- desk with Ms. Armer (ph)
8 when you arrive. Do not hold on to them until you go up
9 to make your presentation. I know sometimes this could be
10 for a (inaudible), but it just disrupts -- disrupts the
11 whole proceeding because no one knows what the copies are,
12 what's relevant, or who has what. If you have secret
13 information in them, Ms. Armer can hold on to them to --
14 to the last minute. And then when they need to be
15 distributed and nobody will get them ahead of time. The
16 panel can also get grumpy, I'm told, if they don't have
17 copies of what -- of -- when they need them. So, take
18 that into consideration. We are also discouraging putting
19 copies of materials for distribution at the end of your
20 table because it causes traffic within the hearing. If
21 you have materials for distribution, take it to reception,
22 and they will get it distributed for you. Also note, if
23 your presentations are more than one part, say you have
24 three experts and they have three separate presentations,
25 bring them to the reception table as a package. Not in

1 three separate packages. Just as an illustration, if you
2 have a three-part presentation with 50 copies to be
3 distributed to six different participants, the proponent,
4 and the panel, that's gonna be a lot of back-and-forth
5 traffic as everybody walks around to -- to -- to get their
6 stuff doled out. If they are in packages, it's easier to
7 give them -- to give them out and make sure that everybody
8 has what they need. Please make sure you get your copies
9 to the reception at the appropriate time, which is, if you
10 appear in the morning, get your papers to reception
11 between 9:00 and 9:15, not at 9:29 because it'll be
12 disrupting to the proceedings to have -- to have anything
13 distributed that close to the start time. Same thing for
14 the afternoon, between 1:00 and 1:15, not 1:28. Your
15 cooperation in this regard will keep things moving
16 smoothly. Also, pay attention to the flow of the hearing.
17 If we move faster than expected, perhaps you were
18 scheduled to be in the afternoon, but it looks like
19 there's gonna be -- gonna be time in the morning after the
20 break, get your copies to the reception desk at the break
21 so that it can be distributed. A little cooperation in
22 this area will help things move smooth -- smoothly. With
23 respect to speaking voice, I think we've kind of got it
24 down here about -- about the mics and saying our names
25 before -- before we start to talk. Otherwise, someone's

1 gonna interrupt you to -- to get your name on the record,
2 and we don't wanna interrupt -- we don't wanna -- that's
3 gonna break up a presentation and we rather not have to do
4 that. You'll lose the flow. For parties that need
5 translation, please let us know well ahead of time so we
6 can make the appropriate arrangements. Public presenters
7 -- so, now onto the public presenters as we have blocked
8 out some time for them. The two sessions, one in
9 Steinbach, and one in Beausejour, as well the day in
10 Anola. And we will assist public presenters in making
11 copies if they have copies to be made. They must be less
12 than five pages to be made on site. Otherwise, we have to
13 have them done ahead of time so we can make arrangements
14 to bring them with us. If you know of any individuals who
15 wish to speak, please ask them to get in touch with us at
16 least seven days ahead of time even though we take sign
17 ups on site. It just helps us schedule and to make sure
18 that everybody has enough time. Information regarding
19 public presentations will be posted on the website
20 shortly. For presentation posting, we will be
21 endeavouring to post PowerPoint slide of your
22 presentations as quickly as possible. Some of the
23 presentations are large, especially the one with pictures
24 and graphics. So, they may not get downloaded properly.
25 In some case, we will provide a reference that people -- a

1 reference that people can ask for them. And sometimes, we
2 just don't get electronic copies in time to post them on
3 the same day. So, it's -- so, that's your responsibility
4 to get them to us if you wish to post it. We can also
5 post videos. We have that function as well. Just touch
6 on written submissions again, we will also accept written
7 submissions from the public as the deadline for that is
8 February 13th. The Commission will accept, excuse me,
9 emails, faxes, or regular mail. Please advise those who
10 will be making written submissions to include their --
11 their comments as -- their comments as a separate document
12 and not in the email as to not to include personal
13 information as we have to spend time redacting things like
14 email and contact information as part of those comments.
15 So, if we -- once we receive these -- these submissions,
16 we will circulate them to all the parties as they are part
17 of the record. Wi-Fi, there will be Wi-Fi access at all
18 locations. If we need codes, they will be at the
19 reception desk or posted on the walls at the hall. The
20 transcripts, as we said, the transcripts will be posted as
21 soon as possible, and you will be notified. There will be
22 a delay in posting and we'll distribute to the parties as
23 soon as possible. I just want to reiterate there have
24 been -- because there has been discussions at previous
25 hearings, we don't take a role call every day. So, the

1 parties and representatives will be identified on the
2 opening day. That list remains constant throughout the
3 hearing as it is just presenters, witnesses, and
4 questioners who are added for whatever day they appear.
5 For equipment, if you have your own personal equipment in
6 the room, please mark it. Such things such as power cords
7 and apparently there's a nice collection of mice in the
8 office from the end of previous hearings 'cause we have no
9 idea who they belong to. So, recommend that you mark your
10 equipment. Same thing goes for travel mugs. Apparently,
11 there's a cupboard of those kicking around the office too.
12 We will be providing power at each of your stations for
13 everyone. You may have to share outlets. So, please
14 don't plug things across the aisle because it's gonna
15 cause tripping problems even if you tape it down. So, if
16 something isn't right or doesn't work, don't string wires
17 across aisles for people to trip over. Our audio people
18 may be able to help out in that area. Printed copies, as
19 usually we will be printing some reports. We have been
20 limiting our number to save paper, money, and space in the
21 office. So, later on in the hearing, I will ask -- I will
22 be asking each party how many they need. You don't need
23 to skimp. If you need several copies, that's fine. We
24 just don't want to overdo it. And if you don't want a
25 printed copy, that's okay too. That's it for the stuff

1 that I was prepared to speak about. If anybody has any
2 questions, I'd be happy to answer them to the best of my
3 ability or get back to you with answers as soon as I can.

4 MR. WILLIAMS: Mr. Chair. Just Byron
5 Williams hopefully for the last time. I'm gonna withdraw
6 my question about the seven-day rule. I was working off
7 the procedures manual that's on your website which is
8 dated, and I see that the -- the paper copy is more
9 current than the website. So, my apologies for -- for --
10 for that.

11 THE CHAIRMAN: Chair. Are there other
12 questions of Peter ---

13 MR. MCNEIL: Doug McNeil. Are we gonna
14 post the most up-to-date documents since you're relying on
15 us following all those rules? All I do is electronic so
16 it's kinda news to me to hear that what's on the website
17 is out of date.

18 MR. CROCKER: Secretary. I'll follow up
19 with that -- about the -- about the -- the procedures
20 manual and make sure that the right copy gets -- the --
21 the right -- if there is a version change, the right
22 version gets -- gets -- gets posted online.

23 THE CHAIRMAN: Chair. Other questions?
24 Not seeing any. And I will say that -- bring this to a
25 close by noting that there are no motions at this time.

1 Should procedural motions be filed, we will address them
2 as they arise. If you're contemplating any further
3 motions, please file them sooner than later. So, thank
4 you all. That brings us to the agenda of this -- our
5 second and final pre-hearing meeting. We finished --
6 well, we finished in pretty good time. 59 minutes. So,
7 this is a -- this is a good sign and I hope it bodes well
8 for when we reconvene at our first hearing meeting on
9 February 27th. Take care all.

10

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January 19, 2023