



## THE MANITOBA CLEAN ENVIRONMENT COMMISSION

IN THE MATTER OF:                   The Manitoba Clean Environment Commission  
Technical Review and Public Hearing respecting the  
proposed Vivian Silica Sand Extraction Project

AND IN THE MATTER OF:           Section 6 of *The Environment Act*, CCSM c.E125

AND IN THE MATTER OF:           Section 88(1) of *The Manitoba Evidence Act*, CCSM  
c.E150

### REPLY OF THE MUNICIPAL SILICA SAND ADVISORY COMMITTEE

1. The Manitoba Silica Sand Advisory Committee (“MSSAC”) has received the response of Sio Silica Corporation (the “Applicant”) to the motion materials filed with the Clean Environment Commission (the “Commission”). The below comments are provided in reply.

#### **Commission Mandate and the Integrity of the Hearing Process**

2. With respect to the Commission’s mandate and the integrity of the hearing process, MSSAC supports and concurs with paragraphs 2-7 inclusive of the reply of the Manitoba Eco Network and Our Line in the Sand.
3. It is important to note that MSSAC’s motion (the “Motion”) does not ask for a delay in the hearing dates, but rather, that all information requested in the Motion be provided a minimum of sixty (60) days before hearing dates are set. This is a critical distinction which could allow the hearing to proceed as anticipated in late January or early February, 2023, provided that the Applicant submits in a timely fashion the requested information required to ensure meaningful evaluation of the project and participation in the hearing process.

#### **Stantec Geotechnical Report**

4. MSSAC does not concur with the position taken by the Applicant that the Stantec Report is better obtained subject to a non-disclosure agreement for the following reasons:
  - (i) The non-disclosure agreement provided by the Applicant is not tailored to address the circumstances surrounding a public hearing in that it does not make an exception for use and/or disclosure of the Stantec Report and its contents for the purposes of review, analysis, testimony and examinations at

the public hearing. Therefore, if the Stantec Report is provided subject to such a non-disclosure agreement, it is rendered essentially useless in the context of this public hearing.

- (ii) MSSAC understands and acknowledges the desire for redaction of legitimate commercially sensitive information, and is willing to receive the Stantec Report with such redactions. Therefore, provided that there is commercially sensitive information contained in a geotechnical report that forms a legitimate basis for redaction, MSSAC's willingness to receive the Stantec Report with such redactions addresses the balance between the Applicant's confidentiality and the requirements for disclosure in order to have a full and transparent examination of the environmental issues and risks associated with the application.

## Conclusion

- 5. MSSAC maintains the position set out in its Notice of Motion and Motion Brief with respect to the relief sought.

**DATED** this 1<sup>st</sup> day of November, 2022.



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Krista Boryskavich

Counsel to  
the Municipal Silica Sand  
Advisory Committee