

Government of Manitoba In Violation of its Own Laws

Below is a letter I wrote back in July of 2020 to the Manitoba Minister responsible for the Manitoba Mines and Minerals Act reminding him that according to the Act CanWhite Sands Corp must submit an approved mine closure plan for the work that it has already undertaken. I have not received a reply from the Minister to this letter to date.

Dear Minister,

We wish to bring to your immediate attention that The Mines and Minerals Act has not been enforced for the advanced exploration carried out by CanWhite Sands Corp located near Vivian, Manitoba

Here is the definition for a mine in the Mines and Minerals Act (the Act);

<https://web2.gov.mb.ca/laws/statutes/ccsm/m162e.php>

mine" means an opening or excavation in the ground that is established or maintained for the purpose of mining and includes

- (a) a quarry,
- (b) machinery, plant, buildings, premises, stockpiles, storage facilities, waste dumps or tailings, whether below or above ground, that are used for, or in connection with, mining,
- (c) a crusher, mill, concentrator, furnace, refinery, processing plant or place that is used for, or in connection with, washing, crushing, sifting, drying, oxidizing, reducing, leaching, roasting, smelting, refining, treating or conducting research on mineral bearing substances, and
- (d) an abandoned mine and abandoned mine tailings; (« mine »)

The Act says;

Filings before commencement of work

[74\(2\)](#)

Subject to subsections (3) and (4), a holder of a claim shall not commence or recommence work on an advanced exploration project until

- (a) the holder files with the director
 - (i) written notice of the intended date of commencement or recommencement of the work, and
 - (ii) a closure plan prepared in accordance with the regulations; and
- (b) the director approves the closure plan and accepts the security provided with the plan for the performance of rehabilitation.

advanced exploration project" means

- (a) excavation of an exploration shaft, adit or decline,

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- (b) construction of an all-weather access road to an advanced exploration site,
- (c) diversion, alteration or damming of a natural watercourse for purposes of bulk sampling, mine development or mining,
- (d) de-watering of a shaft, adit or decline for underground exploration and development purposes,
- (e) **removal of a bulk sample of at least 500 tonnes of material for testing, and**
- (f) any other project that is prescribed as an advanced exploration project; (« ouvrage d'exploration avancée »)

"closure plan" means a plan that sets out a program for protection of the environment during the life of a project and for rehabilitation of the project site upon closing of the project and that includes the provision of security to the Crown for performance of rehabilitation work;

CanWhite has begun advanced exploration as they have already removed over 500 tonnes of sand at the Centre Line Road and Vivian sites for mine development last year. They should have filed a mine closure plan before doing this advanced exploration work in accordance to the Act.

A mine includes the stockpiles and the processing plant according to the definition of a mine under the Act.

CanWhite must submit a closure plan for the processing plant and the closure plan should have already been submitted according to the provisions contained in the Act.

The closure plan therefore should have been submitted as part of the EAP when it was placed on the Public Registry file # 6057.00.

The approval process with respect to CanWhite Sand Corp's EAP should not proceed until the closure plan for the processing plant and the stockpiles and plant area are submitted. The closure plan must also include security provisions as CanWhite must submit security in case of abandonment of the processing facility.

According to the Act the processing plant is part of the mine and cannot be separated out as is being done in the current approval process under the Manitoba Environment Act .

The closure plan should include all of the mining activities including the reclamation of the land where extraction is occurring and detailed plans for sealing of the boreholes plus provisions for inspection of those boreholes. The Act must be enforced.

The current approvals process under the Manitoba Environment Act and the advanced exploration work already done by CanWhite is in violation of the Act.

Please ensure that the Act is enforced before the approvals process under the Environment Act proceeds.

Respectfully,

Don Sullivan

What The Frack Manitoba