

## Petition update

### Mining company warns critic with letter

#### What The Frack Manitoba

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Tensions are mounting between CanWhite Sands Corp. and those who oppose the Alberta-based mining company's plan to extract and process silica sand located deep underground in the RM of Springfield.

On Jan. 8, Thompson Dorfman Sweatman, a Winnipeg law firm representing CanWhite, sent a cease-and-desist letter to Jacqueline Bowden. Bowden and her husband, Brent Smith, own 53 acres in Vivian near a property where CanWhite has been carrying exploratory work. The letter, reviewed by The Carillon, alleges Bowden posted several false statements about the company's activities to Facebook last fall. "Please be cautioned that defamatory comments about a business can lead to loss of reputation and other harms to that business," lawyer Sheryl Rosenberg wrote. "Such comments constitute a civil wrong for which a claim may be filed in a Court of law if you do not cease and desist from such publication." The letter also alleges Bowden and Smith trespassed on company property while subcontractors were performing hydrogeological tests. At one point, a mask-less Smith confronted a subcontractor and yelled "statements... of an inappropriate nature," the letter alleges.

CanWhite has since hired site security.

The letter arrives as proponents and critics await the March completion of a hydrogeological study that CanWhite believes will lay to rest concerns that the company's extraction method will cause irreparable harm to the Sandilands aquifer that supplies the Southeast region with drinking water. The company is also awaiting a licensing decision from the provincial government that would allow it to begin constructing a processing facility and rail loop.

#### Letter's claims disputed

In a phone interview, Bowden acknowledged she wrote the Facebook posts attributed to her in the letter, but denied that she and Smith were impolite, confronted workers up close, or visited the site together. She also was upset the letter blames her for more incendiary comments made by other Facebook users. Bowden said she was surprised when she first learned of the letter, which carbon-copied Don Sullivan of What the Frack Manitoba and regulators at Manitoba Conservation and Climate. "Why me? There are so many people speaking out against them. Why would they pick a retired nurse on disability?" Bowden said she doesn't plan on replying to the letter or seeking legal counsel. She wasn't sure if she would continue to criticize the project on social media. "They're just looking for a scapegoat," she surmised. Bowden said she didn't contact police or regulators about the area activities she alleged online, which included CanWhite accessing CN property, digging holes, trucking sand out of Vivian, and pumping large quantities of water into the bush. The couple has owned land in Vivian for six years. They're living in a trailer and plan to build a house. "It's great here. It's country, but at the same time it's a little community," Bowden said. "It's a school route, it's right off the highway, and it is full of trails for all these kids and families to use." She worries about the environmental effects of the mining project. "It's the same aquifer that our well's tapped into," she said.

Last summer, Bowden noticed the Manitoba Liberal Party raising environmental and licensing concerns about CanWhite's plan. She started joining Facebook groups and reading posts about the project. "I'm not an activist. I've never been violent. I was not rude, and I have video evidence to prove that," Bowden said. On Nov. 19, 2020, Bowden drove her ATV down a trail and out into a field where CanWhite crews were working. She filmed their job site as she did a partial lap of the field and returned to the trail. She posted the 90-second video to the Boreal Action Project's public Facebook group the following day. The company, in its letter, claimed Bowden and Smith also visited the site together

the same day, resulting in the alleged confrontation. Bowden denied that happened. “In my video, you would obviously see I was alone,” she said.

CanWhite insists Smith and Bowden did visit the site together. Asked to verify its claim, the company produced three date-stamped photographs taken onsite. The photos do not depict a confrontation, but separately show individuals resembling Bowden, wearing a black jacket and riding an ATV, and Smith, wearing a blue snowmobile jacket while sitting on and walking toward a dirt bike.

### **Company responds**

In a phone interview, CanWhite’s chief operating officer, Brent Bullen, said the company has “zero interest” in litigation and sent the letters because Bowden was spreading “outright untrue scenarios” online. “We saw a high frequency of posts from one individual with so many untruths that we dealt with it,” Bullen said. “We’re not coming down there to sue people. Nobody really wins in that scenario.” “We would just like people to actually have the facts and stop the propagation of this misinformation.” Bullen said Bowden’s posts were “particularly damaging. It’s one thing to have an opinion—and I respect the fact that people have different opinions—but it’s just wrong to state a blatant lie on social media.” Bowden’s posts were quickly reposted and taken as fact by others, Bullen said. He worries “fringe groups” are criticizing the project in bad faith before the hydrogeological study has been completed. Bullen said Bowden’s Facebook posts misinterpreted routine work being carried out by drilling and engineering firms for the study. Crews were taking core samples, conducting pump-down tests, drilling test wells, and installing monitoring equipment. “At no time were we producing sand. At no time were we hauling trucks in an out with sand, or selling it. At no time were we drilling illegally. It was all permitted,” Bullen said. “We would never touch CN land,” he added.

### **Police investigate**

Bullen admitted the company is facing more pushback on the Vivian project than he anticipated. He worries posts like Bowden’s are fostering a sense of “false righteousness” among critics. He remains confident in the forthcoming study but is concerned by incidents at the company’s Vivian site. The cease-and-desist letter alleges equipment went missing from the CanWhite site hours after Bowden filmed her video. Bullen said tools have disappeared from the site. On another occasion, water was found in the diesel tank of an excavator, causing over \$20,000 in damage. “We had our workers being tailgated and followed once they left the site,” he said. A security company now escorts workers to and from the site upon request. “I just think it’s so sad that we have to do that.” He pointed to a response to one of Bowden’s posts in which a Facebook user appeared to encourage criminal activity as a way to stop the company. The post, quoted in the letter, reads, “someone needs to fight fire with fire. Literally. It’s criminal that they are ruining our drinking water maybe someone should be criminal back.”

Chief of Police Stephen Hitchon confirmed the Springfield Police Service is investigating “reports of vandalism and theft of tools at the CanWhite sites.” Bowden said she has not been questioned by police and pointed out she didn’t write the provocative comment. “They had security there 24-7, so to say that they were robbed is also a lie,” she added.