

Mines Branch shirking its regulatory duty **DON SULLIVAN** [This article is in the January 29, 2021 Winnipeg Free Press Page A7](#)

CAN White Sands Inc. (CWS), an Alberta-based company proposing to operate a silica sand mining operation, began exploratory extraction activities near Vivian in southeastern Manitoba back in 2018.

This initial exploratory activity by CWS was undertaken to test its unconventional mining method for extracting silica sand deep within the Winnipeg Formation, where a major aquifer supplies drinking water to all of southeastern Manitoba, and to test the quality and quantity of the silica sand using this unconventional extraction method.

Under the Manitoba Mines and Minerals Act, mining companies that extract 500 tonnes of mineral for sampling purposes are undertaking “advance exploration activities” and by law must file, with the director of the Manitoba Mines Branch, a mine closure plan prior to commencement of the advance exploration activities.

The initial sand extraction by CWS in 2018 met the 500-tonnes threshold, thus requiring the company to submit a mine closure plan prior to the advance exploration activities occurring. This did not happen, as the Mines Branch purposely avoided enforcing this regulatory requirement under the Mines and Minerals Act. I am no lawyer, but in my opinion this action, or the lack of, by the Mines Branch sure seems like a textbook example of regulatory negligence.

In July 2020, a letter was sent by What The Frack Manitoba (WTFMB) to Blaine Pedersen, the provincial minister responsible for the Mines and Mineral Act., asking why CWS had not submitted its required mine closure plan, as required by law.

This letter also asked if the required mine closure plan would be submitted as part of CWS Environment Act Proposal (EAP) for its silica sand processing facility, for review and approval under the Manitoba Environment Act. WTFMB has not yet received a response on this matter.

The absence of the required closure plan, which should have been filed by CWS back in 2018, was again raised in August 2020 during the public comments period for the environmental review process of the EAP for CWS’s processing facility. To no one’s surprise, the legal requirement to submit a mine closure plan was not addressed by either the Environmental Approval Branch or the Mines Branch during this EAP public review process.

The information contained in a mine closure plan, which should have been submitted in 2018 and again during the EAP review and approval process of the CWS processing facility, would have gone a long way to addressing a number of outstanding concerns with this proposed mining development project.

CWS still needs to submit a separate EAP for review and approval, under the Manitoba Environment Act, for its mining operations and activities. One would assume this would be an ideal opportunity for the government to now uphold its legal requirement of ensuring that CWS submits a mine closure plan.

However, based on the past practices of the Mines Branch, it is more than likely this required mine closure plan will not be submitted for the second EAP environmental review process. After all, the last thing CWS wants to do is have its mine closure plan undergo public scrutiny through an environment review and approvals process under the Manitoba Environment Act.

Rather, CWS would like to see the required submission of its mine closure plan be made a condition of its environment licence, once received from the Manitoba government. This would allow CWS to submit its mine closure plan for approval by the Mines Branch after the environmental review process has concluded and the licence has been issued, all but ensuring their mine closure plan will not undergo any outside independent review or scrutiny that would otherwise have occurred under the environmental review process.

My bet is that the Mines Branch will be more than happy to accommodate CWS on this approach to dealing with CWS required mine closure plan. After all, the Mines Branch did not enforce this legal requirement on CWS when it should have back in 2018, when initial advance exploration activities occurred.

Frankly, it is disturbing to watch the Pallister government employ various means to thwart a transparent and meaningful public review process for an Alberta-based company whose proposed mine development project could have lasting and detrimental effects on the drinking water that supplies all of southeastern Manitoba. This abuse of process must stop. Those who have raised many concerns about this proposed mine development project will continue to shine a public light on how this is allowed to happen.

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