



Fast

FACTS

CANADIAN CENTRE FOR POLICY ALTERNATIVES – MANITOBA

February 9, 2021

Manitoba Government Runs Afoul with a Number of Laws to assist Silca Sand Mine Project



CanWhite Sands Corp. (CWS), an Alberta-based company, is proposing to build a silica sand processing facility and to extract 1.3 million tonnes of silica sand a year, for the next twenty-four years, near Vivian in southeastern Manitoba.

This company, in my opinion, may have been allowed by the Manitoba government to run afoul of at least three, if not four, different Manitoba Acts since starting in 2018.

The first Act that the Manitoba government may have allowed CWS to violate is the Manitoba Groundwater and Well Water Act. One of this Act's regulations explicitly

prohibits the mixing of sandstone aquifer water, with carbonate aquifer water.

This may have occurred when CWS began drilling wells and started pumping potable water and silica sand using their triple tube airlift pump wells.

The use of these triple tube airlift pump wells was explained by the CEO and President of CanWhite Sands in a September, 2020 letter to the Impact Assessment Agency of Canada.

What the Frack Manitoba has obtained 42 well records from the Province, dating back to 2018. Some of these records clearly demonstrate that CanWhite drilled wells and used triple tube air lift

there is an alternative.

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pump wells to extract both the silica sand and potable water from the aquifer. This may have led to the mixing of sandstone aquifer water with carbonate aquifer water.

CWS may also have contaminated and adversely affected the water quality of groundwater, which is also in violation of the Act.

The second Manitoba Act that CWS appears to have violated is the Manitoba Mines and Minerals Act.

Under the Mines and Minerals Act CWS should have been required to file a mine closure plan, and to provide a financial assurance, at the request of the Director of the Mines Branch. This should have been done before commencing with their advance mining exploration activities.

The Director of Mines Branch failed to exercise this fiduciary responsibility by not requesting CWS submit the required mine closure plan nor the financial assurance before CWS commenced its advance exploration mining activities.

The third Act that CWS may have violated is the Manitoba Environment Act. The extraction of silica sand along with large volumes of potable water from the aquifer, using their triple tube air lift pump well, could have led to the “aquifer recharge with a closed system where water is returned to the aquifer from which it is taken with no change in quality other than temperature and a flow rate not less than 25 l/s but not greater than 250 l/s.” This would have been deemed, at minimum, a Class 2 Development Project under the Manitoba Environment Act, under the Classes of Development Regulation.

Therefore, CWS should have applied for an Environment Licence back in 2018, and should also have submitted an Environment Act Proposal that should have been reviewed and approved under the Manitoba Environment Act.

The Director of Environmental Approval Branch could have exempted CWS advance exploration mining activities from the Class 2 Development Project provision, but only after CWS filed their application under the Manitoba

Environment Act, and once notice of application was placed in the Manitoba Public Registry.

The Manitoba Water Rights Act may have been the fourth Act that CWS was allowed to violate, but What The Frack Manitoba cannot make any definitive conclusions on this matter until we get a response to our Freedom of Information and Protection of Privacy Act request.

The Manitoba government’s woeful disregard for following its own laws and willingness to allow this Alberta-based company to potentially circumvent a number of legislative requirements for this resource development project is unconscionable, and may very well land before a judge for judicial review.

Don Sullivan is published landscape photographer, the former Director of the Boreal Forest Network and one time Special Advisor to the Government of Manitoba working the Pimachiowin Aki UNESCO World Heritage site portfolio. Don is also a Queen Golden Jubilee medal recipient.

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References available upon request.