



MANITOBA METIS FEDERATION INC.

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David Chartrand, LL.D. (Hon)
President

August 25, 2020

*****VIA E-MAIL*****

Ms. Jennifer Winsor
Environmental Approvals Branch
Manitoba Sustainable Development
1007 Century Street
Winnipeg MB R3H 0W4

Dear Ms. Winsor,

Re: CanWhite Sands Corp. Vivian Processing Facility - Notice of Environment Act Proposal

I am writing to you on behalf of the Manitoba Metis Federation (“MMF”), the democratically elected self-government representative of the Manitoba Metis Community (our “Community”), to outline concerns with respect to the Environment Act Proposal filing for CanWhite Sands Corp. Vivian Processing Facility (the “Project”). Specifically, the MMF is deeply concerned with the significant lack of consultation and respect shown by the Province of Manitoba for the Metis Government in Manitoba and the concerns of our Community and the potential impacts of CanWhite Sands Inc.’s activities on our constitutionally protected rights, claims, and interests.

To date, the MMF has not received notification from any Provincial Department on this Project, was never contacted during the entire exploratory process, and never informed of the Proponents’ filing of the Environment Act Proposal. Furthermore, the MMF has not been notified of any Provincial process of Crown consultation and the Province of Manitoba has not made appropriate efforts towards ensuring the MMF can appropriately inform and engage our Community regarding this Project. We have had no discussions regarding the potential impacts of this Project, the anticipated sand extraction processes on our Community, or the mitigation of those impacts. This requires the implementation of collaborative process between Manitoba and the MMF which respects our ongoing stewardship rights and responsibilities within the Provincially recognized Metis Natural Resource Harvesting Zone.

Manitoba has provided the opportunity for the proponent to file an Environment Act Proposal on a sand processing facility without any further information of the anticipated extraction process. As a result, Manitoba is limiting the ability for a full, proper, and meaningful engagement and consultation process on this Project to be undertaken with our Community. This Project, along with the anticipated mining activities, have the potential to significantly impact air quality, groundwater resources and potential downstream impacts on the lands, waters, and resources on which our Community relies. Our Community has historical and contemporary linkages throughout this area. Moreover, our Community’s reliance on this area for hunting, fishing, trapping, gathering and cultural purposes has been documented through

several recent Traditional Knowledge and Land Use Studies such as Manitoba Hydro's Manitoba Minnesota Transmission Project. As further set out below, a respectful process of consultation and engagement with the MMF, on behalf of our Community, is clearly required and should begin immediately.

The Manitoba Metis Community is an Indigenous community and Aboriginal people whose rights have been recognized and affirmed as protected by section 35 of the *Constitution Act, 1982*, as well as by the courts, and through agreements with the Crown. Our Citizens, including Harvesters, rely on and use the lands, waters, and resources of our traditional territory throughout the province of Manitoba—including in the area of the Project—to exercise their rights and maintain their distinct Métis customs, traditions, and culture.

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal rights of our Community, including by engaging with governments, industry, and others regarding potential impacts of projects or activities on our Community. In 2007 the MMF Citizens unanimously passed Resolution No. 8 which sets out the framework for engagement, consultation, and accommodation with our Community. In consulting the MMF, on behalf of the Community, the Resolution No. 8 Framework calls for the implementation of five phases:

Phase I: Notice and Response;
Phase II: Funding and Capacity;
Phase III: Engagement and Consultation;
Phase IV: Partnership and Accommodation; and,
Phase V: Implementation.

The proposed Project has the potential to impact the rights, claims, and interests of our Community and, as such, engagement and consultation with the MMF through the process set out above will need to be followed.

We would like to arrange a meeting between representatives of the MMF and Manitoba to discuss the Project, the associated licensing processes to put in place a process for ensuring the MMF is meaningfully consulted about the proposed Project and its potential impacts on our Community and their use of the lands, waters, and resources. Please contact us at your earliest opportunity to schedule a meeting to further discuss the Project, the Resolution No. 8 process, or if you require any further clarification on any matters raised in this letter.

Best regards,

(Original signed by)

Marci Riel
Senior Director, MMF Energy, Infrastructure and Resource Management

Cc: MMF President's Office
Vincent Parenteau, MMF Minister Responsible for Environment and Mining
Denise Thomas, Vice-President, MMF Southeast Region