



MANITOBA ECO-NETWORK

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August 9, 2023

To:

Hon. Heather Stefanson
Premier of Manitoba

Hon. Jeff Wharton
Minister of Economic Development,
Investment and Trade

Hon. Kevin Klein
Minister of Environment and Climate

Hon. Greg Nesbitt
Minister of Natural Resources and
Northern Development

Hon. Eileen Clarke
Minister of Indigenous Reconciliation
and Northern Relations

CC:

Wab Kinew
Leader of the Manitoba NDP

Mark Wasyliv
NDP Environment Critic

Adrian Sala
NDP Finance Critic

Dougald Lamont
Leader of the Manitoba Liberal Party

Janine Gibson
Leader of the Manitoba Green Party

Re: Community Response to Critical Minerals Strategy

We, the undersigned organizations, are sending this letter in response to the Government of Manitoba's release of the *Critical Minerals Strategy* on July 25, 2023. We recognize the role that "critical minerals" could play in the transition to a more environmentally sustainable society. However, we feel the Government has unnecessarily rushed to produce an unclear policy that was developed without public consultation and fails to incorporate the most important element of sustainable development: environmental protection.

We strongly recommend the Government of Manitoba delay implementation of the new Strategy until meaningful public consultation has occurred, ideally after the October 2023 provincial election. The Strategy needs to be revised to address the full range of environmental, social, and cultural issues associated with mineral extraction, in addition to economic considerations. Since you have not provided a public forum in which to answer questions and address concerns about the *Critical Minerals Strategy*, we also request a public response to the questions included in the sections below.

In the last few years, a range of different minerals have been identified as "critical minerals" due to their use in clean energy technologies, electronics, telecommunications, and advanced manufacturing. For example, identified minerals include lithium, graphite, nickel, cobalt, copper, and rare earth elements. As a result, governments across Canada have started to release critical mineral strategies including *The Canadian Critical Minerals Strategy* (federal) and *Yukon's Mineral Development Strategy*.

As noted in Manitoba's Strategy, there are many companies interested in increasing the extraction and processing of minerals in our province. We have already seen a growing number of proposed new developments (e.g., Wanipigow Sand Extraction Project, Vivian Sand Extraction Project, Vivian Sand Processing Facility, Selkirk Solar Glass Manufacturing Facility) and alteration of existing developments (e.g., Lynn Lake Gold Project, Lynn Lake Gold Project Substation, TANCO Project West) focused on mineral extraction and processing in Manitoba.

What Manitoba needs is a *Critical Minerals Strategy* that indicates the approach we should take to ensure sustainable mineral development. As noted in the Strategy, there is a need to "increase sustainability and create positive outcomes for consumers, the public, and the environment." (15) However, the Strategy falls short due to glaring gaps in environmental protection and other requirements needed to facilitate meaningful Indigenous partnerships in the mining sector.

Development of the Strategy

We are calling for a comprehensive *Critical Minerals Strategy* that captures best practices from other jurisdictions. For example, the strategies released by the federal government and the Yukon include a much broader range of considerations and priorities. Promising elements we were hoping to see in Manitoba's Strategy include:

- More thorough consideration of cumulative impacts.
- The required inclusion of likely future project modifications when proposed mining developments are being assessed for approval or amendment.
- Adequate financial sureties from proponents to ensure cleanup costs of mineral exploration and mining activities are not paid for by citizens.
- Plans for legislative reform that aligns mining practices with strong environmental protection mechanisms and commitments to Indigenous Peoples.
- The prioritization of building positive, healthy relationships with mining workers, unions, and impacted communities to ensure a well-trained labour force and that resources are available to transition workers and communities when mining activities dry up.
- Royalty reform (including more equitable revenue and profit sharing).

Comprehensive natural resource strategies also incorporate a range of different perspectives. Both the federal and Yukon strategies were developed after extensive public and Indigenous consultation. Manitoba's Strategy was developed with no public consultation. There is also a lack of transparency in terms of who was consulted. There are some references in the Strategy and corresponding press release to industry and Indigenous stakeholders. However, there is no included list of participants, or list of references indicating the published materials that were considered while preparing the Strategy. There is a notable absence of participation from academic experts, public interest environmental organizations, and federal industrial mining associations.

Since you have not provided a public forum in which to answer questions and address concerns about the *Critical Minerals Strategy*, we request the following information about the development of the Strategy:

1. Who were the stakeholders consulted? How were they identified? What methods were used? What efforts were made to reach typically hard to reach people?
2. How were Indigenous Peoples consulted? Who participated? How were Indigenous participants identified and notified about consultation opportunities? Were funding opportunities provided to support community engagement?
3. What background information was considered – e.g., Traditional Knowledge, academic publications, international law, federal policies/legislation?
4. What was the scope of issues considered for inclusion in the Strategy? How were these issues identified and selected for inclusion?

Alignment with Other Strategies, Legal Processes

Comprehensive natural resource strategies also usually indicate how the Strategy will align with other laws and policies. The development, approval, and operation of mining developments in Manitoba involves a range of different areas of law and policy. For example, a consistent community concern associated with mining projects is potential contamination of local and regional water resources that provide drinking water for local citizens and agricultural operations. Thus, it is important to understand how mining policies like the *Critical Minerals Strategy* align with water management policies and laws. Another common community concern involves impacts to air quality, such as a decrease in air quality due to airborne particulates created by mining processes. The regulation of air quality involves a variety of environmental, health, and workplace safety laws and policies, so it is important to understand how the *Critical Minerals Strategy* will align with these requirements so local communities are protected from the air quality impacts of mining developments.

We are calling for a *Critical Minerals Strategy* that clearly indicates how it aligns with other recently released policies in Manitoba, such as the *Water Management Strategy* and the *Energy Roadmap*. We were also looking for more direction on how the Strategy will be considered and influence approval processes (e.g., exploration permits under *The Mines and Minerals Act*, environmental assessment and licensing under *The Environment Act*). There are ongoing issues with current environmental approval processes, such as project splitting and reliance on “minor” alterations to fast track the expansion of existing developments, that need to be addressed in order to facilitate sustainable development in all sectors in Manitoba, including mines and minerals.

We agree that “[i]t is crucial that Manitoba work in partnership with First Nation governments and Indigenous representative organizations to strengthen ongoing government-to-government dialogue and advance collaborative opportunities” (4). However, there also needs to be specific inclusion of Indigenous Elders and Community Members in any dialogue about mining developments. We need more details about how the Strategy is going to encourage the regulatory changes needed in Manitoba to ensure Indigenous communities are able to give free, prior, and informed consent to mining developments in their traditional territories. This includes details about capacity building measures, funding resources, and full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

We also expected the *Critical Minerals Strategy* to reflect recent policy and legal advances made in Canada to recognize the environmental human rights of Canadians, address environmental racism, and improve access to environmental justice. We are looking for a Strategy that moves the mining industry in Manitoba in a more modern, inclusive, and sustainable direction.

Since you have not provided a public forum in which to answer questions and address concerns about the *Critical Minerals Strategy*, we request the following information about the alignment of the Strategy with other related laws and policies:

5. How does the Strategy align with the Energy Strategy, Water Management Strategy, Climate Resilience Plan, and Hydro's Integrated Resource Plan?
6. How will existing and new proposed mining and processing developments meet Canada's obligations to 45% GHG reductions by 2030 and net-zero by 2050?
7. How does the Strategy align with the federal critical minerals strategy? Why does Manitoba's Critical Minerals Strategy include different minerals than the federal critical minerals strategy?
8. How will the Critical Minerals Strategy be considered by the Minister of Environment when making assessment and licensing decisions under The Environment Act?
9. How will Strategy ensure the availability of energy resources (e.g., hydroelectricity) and the need for new energy infrastructure to support proposed and existing mining developments is effectively considered during assessment and approval processes?
10. How have Canada's commitments to implementation of UNDRIP been incorporated into the Strategy?
11. How will the Critical Minerals Strategy influence the provincial regulatory changes needed to ensure Indigenous communities are able to give free, prior, and informed consent to mining developments in their traditional territories?

Consideration of the Environment

The Strategy notes that one of Manitoba's competitive advantages is "Leading Sustainable Development". However, both the Strategy and *The Mines and Minerals Act* are short on details about how the concept of sustainable development is implemented in Manitoba's mining sector. In fact, the Strategy does not include any Priorities or Strategic Measures directed at environmental protection, a core element of sustainable development.

In 2015, the United Nations Member States, including Canada, adopted the *2030 Agenda for Sustainable Development*. The *2030 Agenda* reframed the concept of sustainable development to include five dimensions, known as the 5Ps: People, Planet, Prosperity, Peace, and Partnership. They recognize the importance of protecting the environment and human health. For example, the dimension of "planet" involves protecting the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations. The element of "people" recognizes the right of all human beings to a healthy environment, among other things. To implement this expanded definition, the *2030 Agenda* names 17 sustainable development goals [SDGs] with 169 targets to be implemented by 2030. We were hoping to see

direct connections between the *Critical Minerals Strategy, Agenda 2030*, and the SDGs. Instead, it remains unclear how the legal and policy requirements for mining activities in Manitoba align with modern sustainable development approaches and will ensure protection of the environment and human health.

Since you have not provided a public forum in which to answer questions and address concerns about the *Critical Minerals Strategy*, we request the following information about the environmental protection mechanisms incorporated into the Strategy:

12. How are the principles of sustainable development listed under *The Mines and Minerals Act* implemented in the mining sector? How will the Strategy influence their application? Specific examples of how the principles have influenced sustainable mining practices in Manitoba would be helpful.
13. How were the *2030 Agenda* and the SDGs considered in the development of the Strategy? How do they align with the Pillars and Strategic Measures included in the Strategy?
14. What elements of sustainable development were considered in the development of the Strategy? (e.g., people, planet, prosperity, peace and partnership) How were these elements addressed in the Strategy?
15. How will the Strategy improve the regulation of mining by-products (e.g., waste rock, contaminated soil and water) and their storage facilities (e.g., tailings ponds)?

We are concerned that Manitoba's *Critical Minerals Strategy* was rushed and is incomplete. There is a lack of transparency in terms of how the Strategy was developed and there was no public consultation undertaken prior to its release. As a result, the Strategy does not reflect the best interests of Manitobans.

We strongly recommend the Government of Manitoba delay implementation of the new Strategy until meaningful public consultation has occurred, ideally after the October 2023 provincial election. The Strategy needs to be revised to address the full range of environmental, social, and cultural issues associated with mineral extraction, in addition to economic considerations. Since you have not provided a public forum in which to answer questions and address concerns about the *Critical Minerals Strategy*, we also request a public response to the questions we have asked above.

Manitoba can be a leader in the most sustainable mining practices in the world, we do not need to repeat the mistakes made in the past. This requires collaboration and meaningful consideration of all voices, not just the voices of those who will benefit financially.

Sincerely,

The undersigned organizations

Manitoba Eco-Network

Camp Morning Star

Manitoba Energy Justice Coalition

Mining Watch Canada

Boreal Action Project

Our Line in the Sand Manitoba

Wilderness Committee

