

ATTACHMENT: November 23, 2021
Provincial Advice Record: Designation Request under IAA
Response requested by December 13, 2021
PADCOM Potash Solution Mining Project

Ministry	Conservation and Climate
Lead Contact	Laura Pyles A/Director Environmental Approvals Branch
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Please fill out the form in relation to *Environment Act* Proposal File #6126.00, or any other information relevant to the proposed PADCOM Potash Solution Mining Project.

1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Projects.

The Environment Act Proposal for the proposed potash mine and processing facility is currently undergoing the environmental assessment and licensing process as prescribed in The Environment Act.

As part of the environmental assessment and licensing process, proposed developments are carefully reviewed by experts on the Technical Advisory Committee (TAC) who provide project specific assessments and comments related to their area of expertise. Through a public review period, public comments are also received and considered as part of the overall review

TAC and public comments have been received for the proposed development and the proponent will be providing responses to the comments and questions which were posed.

An initial assessment will be conducted to determine if the proposed development may adversely affect Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*.

Following the completion of the environmental review process and review of the final Consultation report, the Director will make a licensing decision for the development.

On December 3, 2021, a Well Licence was issued to PADCOM by Manitoba Agriculture and Resource Development under the Oil and Gas Act Drilling and Production Regulation, which licence only the drilling of the proposed wells.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Projects (if different from lead contact above).

Jennifer Winsor, P.Eng.
Senior Environmental Engineer
Environmental Approvals Branch
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204-945-7012

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Projects. For each mechanism or approval, please provide information regarding the following:
- Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
 - Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).

As described above, mining developments undergo the environmental assessment and licensing process under The Environment Act. The review process follows the Act and its regulations. Following the completion of the environmental review process, the Director of the Environmental Approvals Branch will make a licensing decision. An Environment Act Licence contains limits, terms and conditions specific to the development for all stages from construction to closure and rehabilitation.

An initial assessment for Crown Indigenous Consultation will be carried out for this project in order to understand potential impacts to Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*.

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4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which projects of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- a. Assessment of mining (e.g., pipelines) and processing components over the full life of Project
 - b. Impacts on water quality through expected or accidental release (e.g., hot brine spills/leaks)
 - c. Impacts on water quantity due to withdrawal from aquifer
 - d. Effects to fish and fish habitat
 - e. Potential impacts on Aboriginal and Treaty Rights

The environmental assessment and licensing process includes the review of the Environment Act proposal by a Technical Advisory Committee (TAC) consisting of experts within multiple government departments. The TAC will assess the mining, processing, potential water quality and fish impacts, air quality effects, groundwater effects and more.

An initial assessment will be conducted to determine if the proposed development may adversely affect Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*.

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5. Have you received public comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

Public comments and concerns have been received during the public comment period for this project and are posted on the online public registry.

Concerns raised by the public include lack of information regarding the brine solution and how mining activities will affect the aquifer; potential adverse effects to fish and fish habitat; volume of water to be used for mining and processing activities; greenhouse gas emissions; and air quality impacts.

The comments received from the public, in addition to those received from the TAC, have been sent to the proponent for a response.

Once that response is received, it will be posted on the public registry for review.

Requests for a Clean Environment Commission hearing have also been received from members of the public. The recommendation from the Director of the Environmental Approvals Branch regarding the Clean Environment Commission hearing will be made after the Branch has received a response from the proponent.

6. Have you received Indigenous community comments/concerns in relation to the Projects? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

The proponent has entered into agreements with some local Indigenous communities and those communities have provided letters of support with respect to the project. The letters are also posted on the public registry.

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7. Do you have any other information about the Projects in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

Not at this time.

Laura Pyles

Name of responder

Acting Director

Title of responder

December 15, 2021

Date