

ATTACHMENT

Federal Authority Advice Record: Designation Request under IAA

Response due by **December 13, 2021**

PADCOM Potash Solution Mining Project

Department/Agency	Fisheries and Oceans Canada (DFO)
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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

No.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

No; based on the information received it is unlikely the Project would cause the death of fish, and/or the harmful alteration, disruption, or destruction of fish habitat, which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*, respectively, unless authorized by the Minister. If works change and additional works are added like the construction of pipelines that cross watercourses, DFO may be required to exercise a power or perform a duty or function.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

Not applicable.

4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

While DFO's specialist or expert information or knowledge is linked to its legislative and regulatory responsibilities under the *Fisheries Act* and *Species at Risk Act*, it does not appear based on the information provided that there may be potential adverse effects to fish and fish habitat as a result of the Project, therefore DFO's specialist or expert information or knowledge may not be relevant.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

No.

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

No; based on the information provided it is unlikely the Project would cause adverse effects within federal jurisdiction for fish and fish habitat.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requester:

- a. Impacts on water quality through expected or accidental release (e.g., hot brine spills/leaks)
- b. Impacts on water quantity due to withdrawal from aquifer
- c. GHG emissions
- d. Pipeline crossings of watercourses, rail and transmission lines
- e. Effects to fish and fish habitat

If yes, please specify the program or authority.

- a. No; Environment and Climate Change Canada administers subsection 36(3) to (6) of the *Fisheries Act*, which prohibit deposit of deleterious substances into waters frequented by fish unless authorized by regulations under the *Fisheries Act* or other federal legislation.
 - b. No; it is unlikely the withdrawal from the aquifer would impact the Assiniboine River, which is the nearest fish bearing watercourse. However, cumulative effects of withdrawals have the potential to impact the aquifer, and fish and fish habitat it may be connected to. The Province of Manitoba manages the sustainable allocation of the province's water resources under the Water Rights Act and associated licensing scheme.
 - c. No; not applicable to DFO.
 - d. Yes; pipeline crossings of watercourses may require DFO review. Proponents can find further information on the request for review process from DFO's [Projects Near Water website](#). However, according to the Proponents Environmental Act Proposal (EAP) Application submitted to the Manitoba Conservation and Climate Environmental Approvals, no linear pipelines are proposed with the exception of a small pipe to transport water which will be buried along the road allowances. It is unlikely this pipeline would impact fish and fish habitat.
 - e. Yes; however, effects to fish and fish habitat from the Project are unlikely given the information provided and that the nearest fish bearing watercourse is located approximately 1.5 km away from the project location.
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8. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

DFO/Rick Kiriluk

Name of departmental / agency responder

Acting Team Leader Triage and Planning

Title of responder

December 10, 2021

Date

<Signature removed>