



Prairie and Northern Region
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Edmonton (Alberta) T5J 4C3

November 22, 2021

ELECTRONIC MAIL

Daymon Guillas
President
Potash and Agri Development Corporation of Manitoba Ltd.
dguillas@manitobapotash.ca

Daymon Guillas,

On November 16, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed PADCOM Potash Solution Mining Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA). The letter requesting designation (enclosed) and a description of the Project will be posted to the Canadian Impact Assessment Registry internet site in the coming days, publicly available at <https://iaac-aeic.gc.ca/050/evaluations?culture=en-CA>.

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by February 14, 2022.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; including information about the Project provided through your Proposal submitted under Manitoba's *The Environment Act*, any concerns expressed from the public and Indigenous groups; expert advice from federal authorities and input from provincial ministries to inform the Minister on whether to designate the Project. If designated, to proceed with the Project, Potash and Agri Development Corporation of Manitoba Ltd. would be required to submit an Initial Project Description to the Agency, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.



Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

In accordance with subsection 9(3) of IAA, and to inform its advice to the Minister, the Agency is requesting that you provide information you have about the Project, along with relevant documents. By **December 8, 2021**, please provide available information regarding potential adverse effects to fish and fish habitat, migratory birds and species at risk; adverse changes to the environment that would occur on federal lands and lands outside Manitoba or Canada; and adverse impacts resulting from any change to the environment, on Indigenous peoples (e.g., changes to the environment impacting physical and cultural heritage, current use of lands and resources for traditional purposes, and structures, sites or things of historical, archaeological, paleontological or architectural significance) or changes to their health, social or economic conditions.

Please also include available information regarding adverse effects (changes to the environment or to health, social or economic conditions) that are directly linked or necessarily incidental to a federal authority's exercise of a power, performance of a duty or function, or provision of financial assistance, that would enable the carrying out of the Project, in whole or in part.

In particular, the Agency requests available information regarding:

1. Information about key project activities, maps and layouts of the location of project components, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment. Include a description of the pipeline networks including those for water and brine.
2. A list of all regulatory approvals (federal, provincial, municipal, other), including amendments to existing approvals, and any federal financial assistance that would be required for the Project and the associated project components or activities.
3. For each regulatory approval that would be required, please provide the following information:
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
 - ii. Provide the status of attaining any regulatory approvals that have been applied for.
 - iii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake.

- Would conditions be set and if yes, what effects would those conditions address?
- iv. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).
4. Identify whether any licence, permit, authorization or approval listed above would address any of the following matters:
 - i. Concerns raised in the letters from the requester, including:
 - adverse effects to fish and fish habitat such as effects of hot brine spills into the Assiniboine River and Qu'Appelle River watershed; and
 - changes to water levels of the Assiniboine River due to water withdrawal from the Hatfield Valley aquifer.
 - ii. Effects to the following:
 - areas of federal jurisdiction as described in paragraphs above; and
 - wildlife and wildlife habitat including federally listed species at risk.
 - iii. Potential effects on Aboriginal and Treaty Rights in Manitoba and Saskatchewan, including any applicable land use or management frameworks that may consider cumulative anthropogenic disturbance.
 - iv. If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet).
 - v. If the Project is anticipated to result in permanent changes or cumulative effects, how you intend to manage those impacts.
 5. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.
 6. What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters?
 7. What steps have you taken to consult or engage with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters?
 8. Do you have any other comments in relation to environmental effects or impacts (positive and negative) to the public or Indigenous peoples and how you intend to address and manage those?

9. Explain your views on whether the Project should be designated under IAA.

Please provide information regarding this file to the Agency's Prairie and Northern Regional Office at pnr-rpn@iaac-aeic.gc.ca or directly to Shelly Boss at shelly.boss@iaac-aeic.gc.ca.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

Further questions regarding this request can be directed to Shelly Boss by telephone or email at 587-357-6484 or shelly.boss@iaac-aeic.gc.ca.

Sincerely,

<transmitted electronically>

Barbara Pullishy
Regional Director, Prairie and Northern Region

CC: Shelly Boss, Project Manager

Enclosures:

- 1) Letter requesting designation – What the Frack Manitoba (2 documents)