



MANITOBA ECO-NETWORK

3rd Floor 303 Portage Ave., Winnipeg MB R3B 2B4
Tel: 204-947-6511 www.mbeconetwork.org

November 23, 2021

Honourable Sarah Guillemard
Minister of Climate and Conservation
mincc@leg.gov.mb.ca

Jennifer Winsor, P. Eng.
Environmental Approvals Branch
Manitoba Conservation and Climate
Jennifer.Winsor@gov.mb.ca

Dear Minister Guillemard and Jennifer Winsor,

Re: MbEN Comments – PADCOM Potash Mine, File No. 6126.00

The Manitoba Eco-Network (MbEN) appreciates this opportunity to comment on the Potash and Agri Development Corporation of Manitoba Ltd. (PADCOM) Potash Solution Mine EAP. Since 1988, MbEN has promoted positive environmental action by supporting people and groups in our community. MbEN's programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups.

Given the size and scope of the project, the novel and unused mining technology proposed and the lack of detailed information provided to date, MbEN requests you consider PADCOM's proposed Potash Mine and Processing Plant as a Class 3 Development and require a Clean Environment Commission (CEC) public hearing with participant funding. The CEC should initiate a public outreach program to get input on the terms of reference for the hearing and participant funding program. While Manitoba does not have an established potash industry, the last attempt to establish a potash mining project, in 1988 by Canamax Resources Inc., went through the Clean Environment Commission's public hearing process. This proposed project should receive the same level of public review.

Designation as a Class 3 Development

The proposed development should be designated as a Class 3 development under the [Classes of Development Regulation](#) since "Potash mines and milling facilities" are captured under s. 4 of the Regulation. This means the development must proceed with the assessment and licensing process set out under s. 12 of *The Environment Act* ("the Act").

The project should be assessed at its highest proposed operating potential (i.e. 250,000 tonnes per year) and should not be considered for licensing in stages under s. 13 of the Act. The lack of information in the EAP about the applicable legislative provisions and reference to the initial 70,000 ton test phase as "Phase 1" seems to indicate the potential for the proposed project to be licensed in stages under s. 13 of the Act. MbEN strongly suggests this approach is not utilized and the project instead be assessed under s. 12 of the Act.

This sentiment is supported by the Manitoba Law Reform Commission (MLRC Report 130 (2015), p 103), which identified that “[o]ne of the most heavily criticised aspects of Manitoba’s environmental assessment and licensing process is the legislative mechanism that allows a development to be licensed in stages”. This is because a staged approach is inconsistent with the principles of sustainability and prevents comprehensive consideration of a proposed development’s aggregate effects. Repeal of s. 13 was recommended by the MLRC in 2015.

Information requirements not met according to Manitoba EAP Report Guidelines

There are significant gaps in the information provided by PADCOM in its EAP according to the requirements set out in the Government of Manitoba’s [EAP Report Guidelines](#). For example, the description of the proposed development is missing the following information:

Need or rationale for the development, purpose, and alternatives; may include one or more of the following depending on the development and specifically, reference to previous studies and activities relating to feasibility, exploration, or project siting and prior authorization received from other government agencies.

The novel mining process, described as selective solution mining technology has been proposed in other jurisdictions in Canada. There is no discussion on the feasibility and/or success of this technology, nor any reference and reporting of those activities and studies from other jurisdictions.

Owner of land upon which the development is intended to be constructed, and of mineral rights beneath the land, if different from surface owner.

The full footprint of the project (i.e., 100 years at 250,000 tonnes potash extracted per year) has not been identified according to the mineral rights held, nor have the mineral rights been adequately geographically identified.

Description of proposed development and schedule for stages of the development, including proposed dates for planning, design, construction, commissioning, operation, and decommissioning and/or termination of operation (if known), identifying major components and activities of the development as applicable (e.g. access road, airstrip, processing facility, waste disposal area, etc.).

The project schedule provided in the EAP and description of activities does not identify the full footprint of the project at 250,000 tonnes per year. It is our assumption that there will be a network of gathering pipelines leading to the processing facility to collect potash from the horizontal wells, to force hot water to collect the potash, and inject spent brine into the Winnipeg Formation. There is also no accurate depiction of energy used, at what places and magnitude, and type, over the life of the project. A more accurate depiction of energy use will provide the true magnitude of greenhouse gas emissions of the project.

Funding, including the name and address of any government agency or program (federal, provincial or otherwise) from which a grant or loan of capital funds have been requested (where applicable).

Potash is an important nutrient for our global agricultural systems and we are supportive of the economic benefits that may be achieved in the region, however there is no mention of how this project is financed, nor any indication as to how much governments may or have invested into the project to date in the form of grants, loans or subsidies (direct or indirect).

Other federal, provincial or municipal approvals, licences, permits, authorizations, etc. known to be required for the proposed development, and the status of the project's application or approval.

There are a whole host of approvals, licenses, permits, authorizations, etc. from various agencies that have not been identified. Without the full project footprint of 250,000 tonnes per year at 100 years plus, it is impossible to provide comment at this point in time.

Results of any public consultations undertaken or to be undertaken in conjunction with project planning.

Public consultation has not occurred for this proposal. Considering that the EAP has been submitted and the Environmental Approval process is in place, having public consultations led by the proponent would be meaningless. As mentioned, we suggest that the CEC conduct a public outreach program as part of their investigation into this project through the hearing process.

Without knowing the full extent of the project, i.e. footprint and location of extracting 250,000 tonnes per year over the lifespan of the project, we decline to offer further comments at this point in time in regard to environmental and human effects of the proposed development, mitigation measures to those effects as well as assessing whether follow-up plans, monitoring and reporting are adequate.

MbEN appreciates your consideration of our comments about the environmental assessment and licensing of PADCOM's proposed Potash Solution Mine and welcomes future opportunities to engage with the Department in the assessment of projects in Manitoba to ensure the highest level of environmental protection measures are required. Under *The Environment Act*, the Department of Conservation and Climate is tasked with protecting the quality of the environment and environmental health of present and future generations and providing the opportunity for all citizens to exercise influence over the quality of their living environment. We are confident you will adhere to these principles and ensure an informed decision about the proposed development can be made.

Sincerely,

Heather Fast, B.A., J.D., LL.M.
Policy Advocacy Director

Glen Koroluk
Executive Director