



December 22, 2021

Sent by email

Debra Sikora,
Panel Chair
Joint Review Panel
Marathon Palladium Project

Dear Ms. Sikora:

On December 7, 2021, the Joint Review Panel (the Panel) established to review the proposed [Marathon Palladium Project](#) (the Project) and conduct an assessment of the environmental effects of the Project determined that the information provided to date is [sufficient](#) to proceed to a public hearing. In doing so, the Panel also issued its [Public Hearing Procedures](#), which describe how the sessions will unfold and how the public may participate.

In response to your letter dated December 17, 2021, the Crown Consultation Team, comprised of the Impact Assessment Agency of Canada (the Agency) Crown Consultation Operations Division (CCOD), Ontario's Ministry of Environment, Conservation and Parks (MECP) and Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), is confirming its intention to participate in a Topic-Specific hearing session. The Topic-Specific session of interest would be one that pertains to the potential environmental effects of the Project that may adversely impact established or asserted Aboriginal or treaty rights as recognized and affirmed under section 35 of the *Constitution Act, 1982* (s. 35 rights) and the interests of Indigenous groups. As per the instructions in the Panel's December 7th announcement, the Crown Consultation Team will also formally register with the Panel Secretariat no later than January 16, 2022 to provide the additional information requested.

The Crown Consultation Team would also like to take this opportunity to formally request an extension to the deadline prescribed by the Panel for written submissions. As per section 6(a) of the final public hearing procedures, written submissions are to be provided to the Panel fifteen (15) calendar days prior to the start of the public hearing. The Crown Consultation Team is requesting that its written submission be provided on February 10, 2022, five (5) days prior to the start of the public hearings. This request is informed by the following rationale:

1. As per the Collaboraton workplan shared with Indigenous groups that have actively participated in consultation on the Project to date, the Crown Consultation Team has committed to share a draft version of its written submission with these Indigenous groups for their input prior to providing it on the record to the Panel. The Crown Consultation Team considers this an integral part of the process to ensure that the rights and interests

described in the submission reflect those of the individual Indigenous groups. Although the Crown Consultation Team's submission will set out the Crown's views on potential adverse impacts to established or asserted s. 35 rights, the Crown Consultation Team has committed to considering and integrating, as appropriate, the views of Indigenous groups into its submission. Through consultation activities to date, a number of Indigenous groups have indicated that they will be extremely busy developing their respective submissions to the Panel. Furthermore, Indigenous groups have indicated that their offices will be closed during the 2 week holiday period, which will exacerbate the time constraints. As such, they would appreciate additional time to review and comment on the Crown Consultation Team's analysis. The additional time requested by the Crown Consultation Team will be used, in part, to provide the Indigenous groups with more time to review and provide input on the Crown Consultation Team's submission, which would support meaningful consultation.

2. The Crown Consultation Team's role is to provide a whole of government approach to Indigenous consultation by coordinating the review of materials provided by Indigenous groups related to potential project effects and impacts, and assisting federal and provincial government departments and ministries in the consideration of potential impacts on established or asserted s. 35 rights and interests of Indigenous groups in the context of their respective technical reviews related to environmental effects. In this role, the Crown Consultation Team must seek the input of the relevant technical experts in the Government Review Team (GRT) to inform and validate its assessment, as per the Agency's [Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples](#). The GRT's input is needed for the Crown Consultation Team to assess the project's potential impacts on the "resource" pathway, as per the guidance. This includes receiving the relevant technical departments' views on the proponent's responses to the outstanding information requirements related to Fish Habitat Compensation and Offsetting Plan and Caribou Habitat Connectivity. This information is important for the preliminary assessment of impacts on rights and will not be available until January 14, 2022. Like the Indigenous groups, GRT members are understandably focused on their respective written submissions leading up to the hearings. The Crown Consultation Team would use the additional time requested to solicit the GRT on its technical views and to integrate their final analysis into the Team's written submission.

Granting the Crown Consultation Team's request to provide its written submission to the Panel on February 10, 2022 would result in a submission that captures the input of Indigenous groups and would allow for coordination with the GRT on technical matters required for the Team's assessment. The extension would therefore assist the Crown Consultation Team in providing better

information to the Panel, which in turn would support the Panel in developing its recommendations relating to the manner in which the environmental effects of the Project may adversely impact established or asserted s. 35 rights. Additionally, the request would still allow adequate time for the Panel, proponent, and other participants to review the Crown Consultation Team's submission ahead of the hearing.

Sincerely,

<Original signed by>

Jason Boisvert
Manager, Crown Consultation Division
Impact Assessment Agency of Canada

<Original signed by>

Colin Hovi
Mineral Exploration & Development Consultant
Ministry of Energy, Northern Development and Mines

Enclosures: Crown Consultation Team Sufficiency Comments

c.c.: Jason Patchell, Panel Manager, Impact Assessment Agency of Canada
Cathryn Moffett, Consultant, Generation PGM Inc.
Phoebe Miles, Director, Crown Consultation Division, Impact Assessment Agency of Canada
Carolyn Lee, Special Project Officer, Environmental Assessment Branch
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