Placing Transparency and Sustainability at the Forefront of the Marathon Palladium Project By Implementing A Cumulative Effects Lens

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On Behalf of Citizens for Responsible Industry in Northwestern Ontario

Miigwetch to Biigtigong Anishinaabek for sharing their unceded traditional territory with us today.

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About CRINO

Citizens for Responsible Industry in Northwestern Ontario (CRINO) is a grassroots community group situated in Marathon, Ontario, focused on maintaining a healthy and prosperous community on Lake Superior's North Shore.

CRINO is not opposed to the Marathon Palladium Project, as it brings the promise of economic growth to the region. CRINO is concerned about the project's environmental impacts on the land and water. Advocating for responsible industrial practices extends to advocating for ecologically-sound practices that will protect the health of humans and the natural environment in both the short-term and the long-term.

Key Reference Documents from the Public Record

CRINO Submissions During Public Comment Period:

- Responsibility, Accountability, and Transparency are Vital to Safeguard the Well-Being of Community Members and the Natural Environment (CIAR # 873)
- Mapping the Cumulative Effects of Industrial Projects on Lake Superior's North Shore: A Map Reflecting the Cumulative Effects of Generation PGM's Marathon Palladium Project (CIAR # 874)

The Proponent's Responses to Information Requests from CIAR #875:

- Response #1: Cumulative Effects Assessment

Joint Review Panel Resources

- EIS Guidelines, Section 2.7.1.4 (CIAR# 150)

Overview of Presentation

1. Embracing a Cumulative Effects Lens

   ✓What are “cumulative effects”?

   ✓CRINO’s concerns about the cumulative effects at play with this project

   ✓Ensuring that a cumulative effects lens is adequately shaping the assessment, monitoring & management procedures for the project

2. Recommendations

Cumulative Effects Primer

In the context of an assessment conducted under the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)*, proponents are required to take into account any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out.

Assessing Cumulative Effects involves the examination of the environmental effects (including those arising from malfunctions and accidents) that are likely to result from a project in combination with other physical activities that have or will be carried out.

Cumulative Effects may be:

- Additive (which is the sum of 2 or more effects);
- Synergistic (which is result of the interaction between 2 or more effects, when the resultant combination is greater or different than the simple addition of the effects);
- Compensatory (which is when effects from 2 or more activities "offset" each other); or
- Masking (which is when one effect makes another effect undetectable, i.e., "masking it").

Cumulative Effects Primer

The Environmental Impact Statement (EIS) Guidelines for this Project set out the parameters for cumulative effects assessment (see Section 2.7.1.4):

"The Proponent shall identify and assess the cumulative environmental effects of the Project, including on site and off site components, in combination with other past, present or reasonably foreseeable projects and/or activities within the study areas."

"Cumulative effects may result if:

- implementation of the Project would cause residual adverse effects on the environment, taking into account the application of technically and economically feasible mitigation measures; and/or
- the same environmental components are affected by other past, present or reasonably foreseeable future projects or activities."

"The boundaries for the cumulative effects assessments will again depend on the effects being considered (i.e., will generally be different for different effects). These cumulative effects boundaries will also generally be different from (i.e. larger than) the boundaries for the corresponding Project effects."

"…The Parties recognize that restoration and enhancement of Great Lakes water quality and ecosystem health cannot be achieved by addressing individual threats in isolation, but rather depend upon the application of an ecosystem approach that addresses individually and cumulatively all sources of stress to the Great Lakes"

- Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2021

(emphasis added)

Concerns About Cumulative Effects

Significant watershed impacts in the immediate area:

- AV Terrace Bay Pulp Mill
  - Violated environmental standards 2,457 times between 2011-2014 alone
  - Fined $400,000 for Environmental Protection Act violations during July 2017
- Barrick Hemlo Gold Mine
- Local Federal Areas of Concern on Lake Superior
  - Peninsula Harbour & Jackfish Bay
- East-West Tie Hydro Line
- Proposed
  - LNG pipeline
  - GenPGM mine site
- Other
  - Former Marathon Pulp Inc. operations
  - Mercury disposal site, town landfill, aggregate sites


Peninsula Harbour

CIAR # 874

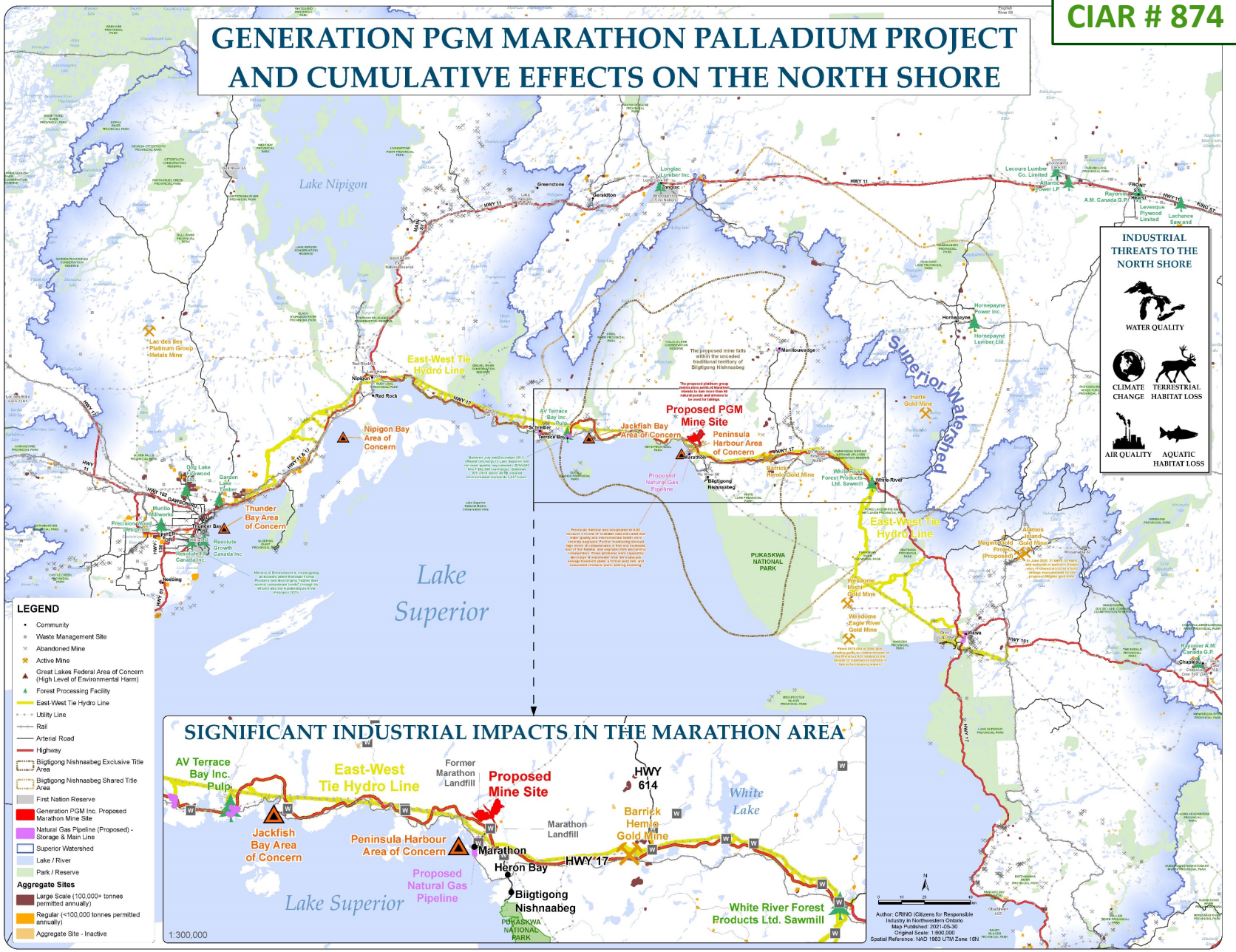
What is a Watershed?

A watershed may also be referred to as a drainage basin or a catchment.

A watershed consists of the lands that drain into a specific body of water, such as Lake Superior. A watershed may also consist of rivers and streams that flow into a larger body of water.

Watersheds capture rainfall and snowmelt that drains into wetlands, rivers, streams, lakes, or groundwater within its catchment area.

Lake Superior's watershed surface covers 209,000 km2.



Concerns About Cumulative Effects: The Proponent's Approach to Assessment

On July 13, 2021, the Joint Review Panel requested more information from the proponent on its cumulative effects assessment.

- GenPGM's approach to its cumulative effects assessment lacks many of the key elements required in legislation and guidelines.
- GenPGM's approach fails to incorporate many of the significant advancements made since the original EIS (2012) in carrying out a cumulative effects assessment (e.g. use of quantitative data, ecosystem environmental management, avoiding shifting baseline).
- The assessment approach revealed that "regardless of the overall rank of the residual effect (negligible, low, medium, high) additional mitigation measures are not being proposed."

Concerns About Cumulative Effects: The Proponent's Approach to Assessment

The Magino Mine Project & the Hemlo Gold Mine Camp

Joint Review Panel noted:

- "In Table 6.6-3 of the EIS Addendum, GenPGM indicates that the Magino Gold Project would interact with the Project for a number of VECs. GenPGM repeats that the Magino Gold Project is located well outside the Regional Study Area (RSA) and, therefore does not warrant further consideration. GenPGM's approach to its cumulative effects assessment clearly states other projects and activities do not have to be located within the RSA, but their effects have to interact cumulatively with those of the Project. **It is unclear what criteria GenPGM used to determine spatial overlap and why the Hemlo Gold Mine Camp located approximately 30 km southeast of the SSA was not identified or discussed for a number of VEC (e.g. Water Quantity and Quality)."** *(emphasis added).*

Concerns About Cumulative Effects: The Proponent's Approach to Assessment

The Proponent's Response to the Panel's Information Request (July 29, 2021)

When discussing the **Hemlo Gold Mine Camp**, the proponent acknowledged the site's history of environmental performance, and that active reclamation is ongoing.

- "As identified in Table 6.6.2, there is treated effluent discharge associated with the Hemlo Camp to the Black River (Pic River tributary); however, no spatial overlap is identified between this and associated Marathon project VECs will occur that would necessitate the consideration of cumulative effects from a water quality (and related) perspective."

When discussing the **Peninsula Harbour Area of Concern (AOC)**, the proponent claimed that there is no spatial overlap between the residual project-specific effect and the atmospheric environment RSA, so there can be no cumulative effect.

- The Proponent considered atmospheric environment, socio-economic environment, and Indigenous considerations VECs.
- According to the "Peninsula Harbour Area of Concern Remedial Action Plan—Status Report 2020", the current non-point sources of pollution to this AOC include:
  - groundwater flow,
  - run-off from adjacent areas, and
  - release from sediment.

Ensuring A Cumulative Effects Lens is Applied to the Assessment, Monitoring and Management of the Project

Cumulative Effects Assessment Practitioners' Guide (1999)

- "Spatial boundaries should be flexible"
  - Zones of influence should be considered for environmental component examined (e.g., air, water, vegetation, wildlife), which requires "…multiple boundaries instead of the more typical single study area."

Reference Guide: Addressing Cumulative Effects (2010)

- Setting Spatial and Temporal Boundaries
  - "Different boundaries may be appropriate for different cumulative environmental effects. For example, the boundaries selected for cumulative environmental effects on air quality might be quite different than those chosen for effects on a particular wildlife species"

Technical Guidance Assessing Cumulative Environmental Effects Under CEAA, 2012 (2018)

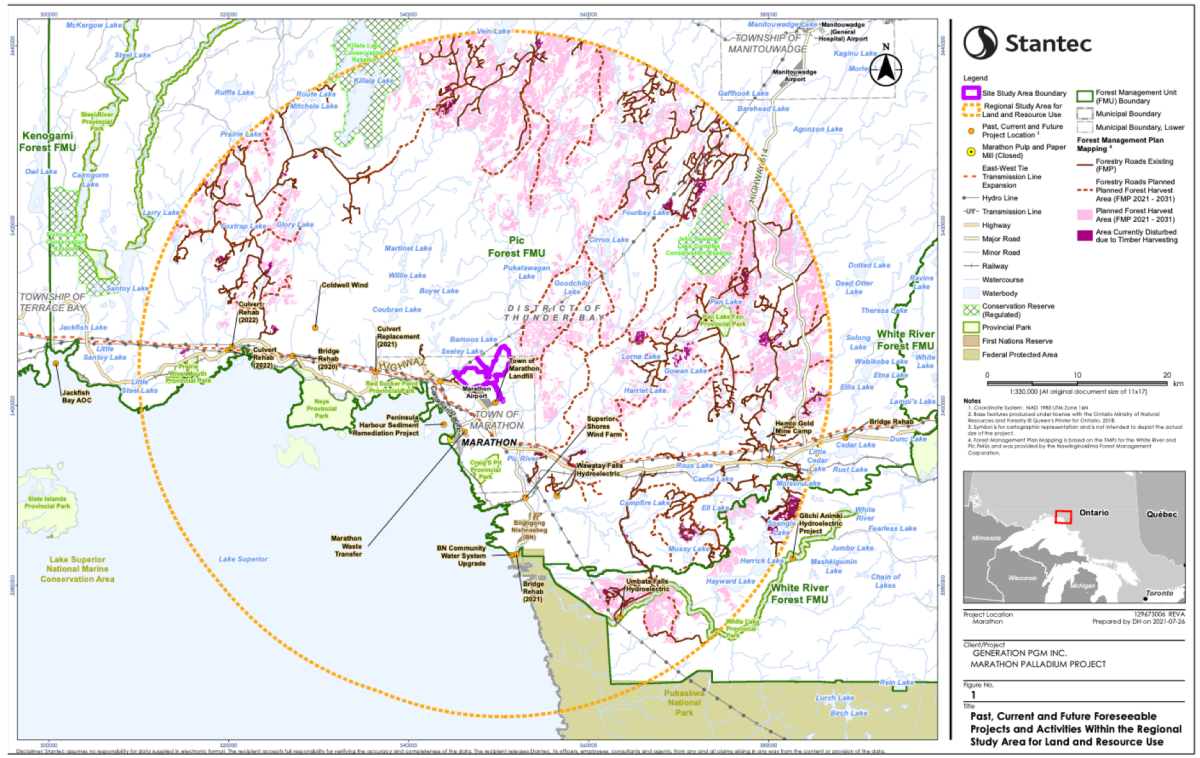
- Using VC-centred spatial boundaries: based on a VC's geographic range and the zone-of-influence of the project for that VC
- Using ecosystem-centred spatial boundaries: this requires a good understanding of ecosystem boundaries and processes.

Ensuring A Cumulative Effects Lens is Applied to the Assessment, Monitoring and Management of the Project

This project is in a unique position geographically, being situated very close to the the shoreline of Lake Superior, as well as being surrounded by a variety of inactive and active industrial activity.

According to the Proponent's map of the the Regional Study Area (RSA) for Land and Resource Use consists of the Site Study Area with a 35 km buffer. Roughly a quarter of the RSA ring encompasses the waters of Lake Superior.

Dismissing sites like AV Terrace Bay Pulp Mill as lacking spatial overlap is too narrow in scope. There needs to be an approach that expands the boundaries of an cumulative effects assessment beyond a radial line when that line cuts through the largest fresh water lake in North America.



CIAR # 912, Figure 1

Recommendations

1. Spatial boundaries for this project's cumulative effects assessment must be more flexible.
   - Adapting VC-centred spatial boundaries and ecosystem-centred spatial boundaries can prevent the assessment of certain VCs in the Lake Superior watershed from being ignored or underestimated.

2. Using a cumulative effects lens in not only the assessment process, but throughout the monitoring and management of the project as well. Mitigation measures need to be reassessed and evaluated throughout the mine's operations and closure phases.


Prairie River Mouth

References

Public Record Sources:

- Responsibility, Accountability, and Transparency are Vital to Safeguard the Well-Being of Community Members and the Natural Environment (CIAR # 873)
- Mapping the Cumulative Effects of Industrial Projects on Lake Superior's North Shore: A Map Reflecting the Cumulative Effects of Generation PGM's Marathon Palladium Project (CIAR # 874)
- Request for Additional Information from the Joint Review Panel for the Marathon Palladium Project—Information Request Package 3 (CIAR # 875)
- Generation PGM Response to the Joint Review Panel's Request for Information #3, IR3- 1 Cumulative Effects Assessment (CIAR # 912)
- EIS Guidelines, Section 2.7.1.4 (CIAR #150)

Additional Sources:

- Ministry of the Environment, Conservation and Parks & Environment and Climate Change Canada, *Canada-Ontario Agreement on Great Lakes Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health*, 2021 (entered into force 1 June 2021), online: https://files.ontario.ca/mecp-coa-great-lakes-en-2021-05-26.pdf
- Environment and Climate Change Canada et al, "Peninsula Harbour Remedial Action Plan (RAP) Status Report", 2020, online: https://www.documentcloud.org/documents/20417645-peninsula-harbour-status-report-w-appendices-nov-2020
- Environment, Conservation and Parks, "Pulp and Paper Mill Fined $400,000 for Environmental Protection Act Violations", online: https://news.ontario.ca/en/court/1000892/pulp-and-paper-mill-fined-400000-for-environmental-protection-act-violations
- Canadian Environmental Assessment Agency, "Cumulative Effects Assessment Practitioners' Guide", February 1999: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/cumulative-effects-assessment-practitioners-guide.html#s3-2-3
- Canadian Environmental Assessment Agency, "Reference Guide: Addressing Cumulative Environmental Effects", amended July 12, 2010: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/reference-guide-addressing-cumulative-environmental-effects.html
- Canadian Environmental Assessment Agency, "Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012", Interim Technical Guidance, March 2018, Version 2: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html#toc005