

Environment and Climate Change Canada - Comments on the draft Amended Joint Review Panel Agreement and Terms of Reference for the Marathon Palladium Project

Section	Amended Agreement (emphasis added)	Comment /Recommendation
Title	<p>Draft AMENDED AGREEMENT TO REESTABLISH A JOINT REVIEW PANEL FOR THE MARATHON PALLADIUM PROJECT</p> <p>Between <b>The Minister of the Environment, Canada</b> - and - The Minister of the Environment, Conservation and Parks, Ontario</p>	Update the “Minister of the Environment, Canada” to reflect current title “Minister of Environment and Climate Change”
Preamble	WHEREAS the <b>Minister of the Environment, Canada</b> (the “ <b>federal Minister of the Environment</b> ”) has statutory responsibilities pursuant to CEAA 2012; and	Update the “Minister of the Environment, Canada” to reflect current title “Minister of Environment and Climate Change”
Preamble	WHEREAS the Minister of Environment, Conservation and Parks, Ontario (the “ <b>provincial Minister of the Environment</b> ”) has statutory responsibilities pursuant to the Ontario Environmental Assessment Act (EAA); and	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Preamble	WHEREAS Generation PGM Inc. is proposing to construct and operate a platinum group metals and copper mine in <b>Marathon, Ontario</b> , titled the Marathon Palladium Project (the “Project”), which is subject to environmental assessment requirements under both the CEAA 2012 and the EAA; and	<p>Description of the Project in subsection 1.1 in the “Appendix - Terms of Reference for the Joint Review Panel” includes “Generation PGM Inc. proposes to develop and operate the Marathon Palladium Project (“Project”) approximately 10 kilometres north of the Town of Marathon.”</p> <p>Original Agreement preamble describes the Project as being situated in “Marathon Township, Ontario”</p>
Preamble	WHEREAS in 2011, the former <b>federal Minister of the Environment</b> referred the Project, under the name “Marathon Platinum Groups Metals and Copper Mine Project” and	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”

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	proposed by Stillwater Canada Inc., to a review panel in accordance with section 29 of the Canadian Environmental Assessment Act, S.C. 1992,c,37; and	
Preamble	WHEREAS under section 3.1 of the EAA, the <b>provincial Minister of the Environment</b> has the authority to harmonize with Canada to facilitate the effective operation of the requirements of both jurisdictions; and	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Preamble	WHEREAS the <b>provincial Minister of the Environment</b> has determined that the Joint Review Panel process will assess the Project in a manner equivalent to the requirements of the <b>EAA</b> ; and	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”  Recommend replacing EAA with Ontario <i>Environmental Assessment Act</i>
Preamble	WHEREAS the <b>federal Minister of the Environment</b> and the <b>provincial Minister of the Environment</b> have determined that a Joint Review Panel of the Project will avoid unnecessary duplication, delays and confusion that could arise from individual reviews by each government; and	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Preamble	WHEREAS the <b>federal Minister of the Environment</b> determined that a Joint Review Panel should be re-established pursuant to paragraph 40(1) of the CEAA 2012 to consider the Project; and	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Preamble	THEREFORE, the <b>federal Minister of the Environment</b> thereby reestablishes a Joint Review Panel for the Project in accordance with CEAA 2012, and with the provisions of this Agreement and the Terms of Reference attached as an Appendix to this Agreement.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Definitions	“EIS Guidelines” means the direction provided to Stillwater Canada Inc. by the former <b>federal</b>	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”

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	<b>Minister of the Environment</b> in August 2011, which must be addressed in the Proponent’s Environmental Impact Statement to be prepared for the Joint Review Panel.	
Definitions	“Joint Review Panel” means the body re-established by the <b>federal Minister of the Environment</b> under CEAA 2012 to be a review panel established under an agreement entered into under this Act and which meets the requirements of CEAA 2012 and the EAA, the members of which are appointed by the <b>federal Minister of the Environment</b> , based on the recommendations of both the Agency, on behalf of Canada, and the Ministry, on behalf of Ontario.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Definitions	“Report” means the report produced by the Joint Review Panel, which contains the Joint Panel's rationale, conclusions and recommendations, with respect to the environmental assessment of the Project. This report will serve as recommendations to both the <b>provincial Minister of the Environment</b> and the <b>federal Minister of the Environment</b> .	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Background	2.1. On October 7, 2010, the former <b>federal Minister of the Environment</b> referred the Project to an environmental assessment by a review panel on the basis that the proposed Project may cause significant adverse environmental effects.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Background	2.2. The Agency and the Ministry prepared draft EIS guidelines that were subject to a 60-day public comment period. Following the close of the public comment period and in consideration of comments received, final EIS guidelines were	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”

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	approved by <b>the federal Minister of the Environment</b> and issued to the proponent on August 9, 2011.	
Background	2.9. On October 5, 2020, the <b>federal Minister of the Environment</b> extended the time limit for the Joint Review Panel to complete its review by 90 days. The Joint Review Panel, once established, would have 271 days to complete the assessment and submit its report.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Establishment of the Joint Review Panel	3.2. The <b>provincial Minister of the Environment</b> considers that the requirements of the Joint Review Panel process, including the Terms of Reference and EIS Guidelines, to be equivalent to the requirements of the EAA.	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Reconstitution of the Joint Review Panel	4.3. The <b>federal Minister of the Environment</b> will appoint the members of the Joint Review Panel, including the chairperson.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Conduct of Assessment by Joint Review Panel	5.1. The Joint Review Panel shall conduct its review in a manner that discharges the requirements set out in CEEA 2012 and the requirements of the harmonization order made under section 3.1(2) of the EAA by the <b>provincial Minister of the Environment</b> . The Joint Review Panel shall also conduct its review in a manner that discharges the requirements set out in the Terms of Reference, attached as an Appendix to this Agreement.	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Conduct of Assessment by Joint Review Panel	5.2. The amended Terms of Reference will be established and approved by the <b>federal Minister of the Environment</b> and the <b>provincial Minister of the Environment</b> .	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Conduct of Assessment	5.3. Upon receiving a request for clarification from the Joint Review Panel, the President of the	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”

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by Joint Review Panel	Agency, on behalf of the <b>federal Minister of Environment</b> , and the Assistant Deputy Minister of the Environmental Assessment and Permissions Division of the Ministry, on behalf of the <b>provincial Minister of the Environment</b> ,	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Conduct of Assessment by Joint Review Panel	5.4. The President of the Agency, on behalf of the <b>federal Minister of the Environment</b> , and the Assistant Deputy Minister of the Environmental Assessment and Permissions Division of the Ministry, on behalf of the <b>provincial Minister of the Environment</b> , are authorized to jointly consider the request and, if appropriate, amend the Terms of Reference.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Review of the EIS and Updated Studies and Reports	9.3. The Joint Review Panel will prepare a report, which will be submitted to the <b>federal Minister of the Environment</b> and the <b>provincial Minister of the Environment</b> at the earliest possible date and within the overall time limit established under CEAA 2012.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Review of the EIS and Updated Studies and Reports	9.5. Upon receiving the report submitted by the Joint Review Panel, the <b>federal Minister of the Environment</b> will advise Indigenous groups, government bodies, the public and other interested parties that the report is available on the Canadian Impact Assessment Registry and a copy of the Public Registry documentation maintained by the Agency will be provided to the Ministry.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Decision Making Processes	10.1. The Parties will coordinate the timing of the release of the <b>federal Minister of the Environment’s</b> environmental assessment decision statement and the announcement of the decision of the <b>provincial Minister of the Environment</b> to the greatest extent possible.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”

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Decision Making Processes	10.2. Upon submission of the Joint Review Panel Report, the <b>federal Minister of the Environment</b> shall, in a manner consistent with CEAA 2012, issue an environmental assessment decision statement. In issuing the environmental assessment decision statement, the <b>federal Minister of the Environment</b> shall consider the consultation undertaken with Indigenous groups, including consultation on the Joint Review Panel’s Report.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Decision Making Processes	10.3. In accordance with subsection 43(1)(f) of CEAA 2012, the Joint Review Panel may be required by the <b>federal Minister of the Environment</b> or the <b>provincial Minister of Environment</b> to clarify any of the conclusions and recommendations set out in its report with respect to the environmental assessment.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Decision Making Processes	10.4. If the <b>federal Minister of the Environment</b> decides that the project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor in Council the matter of whether those effects are justified in the circumstances.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Decision Making Processes	10.6. The <b>provincial Minister of the Environment</b> pursuant to the harmonization order made under section 3.1(2) of the EAA, with the approval of the Lieutenant Governor in Council, may:	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Decision Making Processes	10.7. The <b>provincial Minister of the Environment</b> shall consider the following matters when making the decision in 10.6: (a) the purpose of the <b>EAA</b> ;	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”  Recommend replacing EAA with Ontario <i>Environmental Assessment Act</i>

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Decision Making Processes	10.8. The <b>provincial Minister of the Environment</b> shall notify the Proponent of his or her decision and shall give the Proponent written reasons for it. The <b>provincial Minister of the Environment</b> shall also provide a copy of the decision to the <b>federal Minister of the Environment</b> and the decision shall be published on the Public Registry.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Appendix Terms of Reference for the Joint Review Panel	2.2. (formatting issue)	Recommend reformatting to align indent with other subsections.
Appendix Terms of Reference for the Joint Review Panel	2.3. The description of the factors to be considered in the environmental assessment include those outlined in the document “Guidelines for the Preparation of the Environmental Impact Statement: Marathon Platinum Group Metals and Copper Mine Project”, as finalized by the former <b>federal Minister of the Environment</b> on August 9, 2011.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Appendix Terms of Reference for the Joint Review Panel	3.16. Following the completion of the public hearing, the Joint Review Panel will prepare and submit to the <b>federal Minister of Environment</b> and the <b>provincial Minister of the Environment</b> a Report including, but not limited to, a description of the Joint Review Panel process, the rationale, conclusions and recommendations of the Joint Review Panel relating to the environmental assessment of the Project, including any recommended mitigation measures and follow-up programs and a summary of information received by participants.	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”  Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”

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Appendix Terms of Reference for the Joint Review Panel	3.17. For the purposes of the <b>federal Minister of the Environment</b> , the Report shall include:	Update the “federal Minister of the Environment” to reflect current title “federal Minister of Environment and Climate Change”
Appendix Terms of Reference for the Joint Review Panel	3.18. For the purposes of the <b>provincial Minister of the Environment</b> , the Report shall include:	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”
Appendix Terms of Reference for the Joint Review Panel	3.19. If the report of the Joint Review Panel recommends that the Project be given approval to proceed by the <b>provincial Minister of the Environment</b> , the Joint Review Panel may also recommend any conditions necessary to carry out the Project in a manner that provides for the protection, conservation and wise management of the <b>Environment</b> . The Joint Review Panel shall provide reasons for its recommendations in the report.	Update the “provincial Minister of the Environment” to “provincial Minister of Environment, Conservation and Parks”  Editorial – Environment should not be capitalized.