

**BIIGTIGONG NISHNAABEG**  
**Comments on the Potential Federal EA Conditions for**  
**the Marathon Palladium Project**  
**(Reference Number 54755)**

**October 23, 2022**



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### Introduction to Biigtigong Nishnaabeg

Biigtigong Nishnaabeg is a progressive and prosperous Nation. Its people have lived, worked and existed on the lands off the shores of Chi-gamig (Lake Superior) and the inlands of the northern superior region since time immemorial. Biigtigong Nishnaabeg is not a signatory to the Robinson Superior Treaty of 1850 and has filed a claim for Aboriginal Title in the Ontario Superior Court of Justice. Biigtigong Nishnaabeg first gave the Crown notice of its assertion of Aboriginal Title in 1982; both it and the federal and Ontario Crowns have been in ongoing negotiations since 2016.

Since 2020, the Ontario Ministry of Mines has placed and kept a “notice of caution” on the Mining Lands Administration System. Through that notice of caution, prospectors are notified that they will need to engage in *enhanced consultation* for activity on certain lands claimed by Biigtigong Nishnaabeg, among other communities. The Ministry has also begun the process of withdrawing lands located within the Biigtigong Nishnaabeg Aboriginal Title and Aboriginal Rights Area so as to create interim protection for Biigtigong Nishnaabeg lands for the exercise of their Aboriginal rights.

Biigtigong Nishnaabeg notes, citing the preamble of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, that the *United Nations Declaration on the Rights of Indigenous Peoples* exists as a source for the interpretation of Canadian law. Accordingly, Biigtigong Nishnaabeg has asserted its requirement for a *consent-based standard* of consultation in conformity with the *United Nations Declaration on the Rights of Indigenous Peoples* and judicial interpretations of section 35(1) of the *Constitution Act, 1982* particularly the decisions of the Supreme Court of Canada in *Haida Nation* and *Tsilhqot'in*.

Biigtigong Nishnaabeg has been actively participating in the Joint Review Panel process for the Marathon Palladium Project proposed by Generation PGM Inc. which is undergoing an impact assessment in accordance with the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) and the *Ontario Environmental Assessment Act* (EA Act).



## The Proposed Project

Generation PGM Inc. (“GenPGM”; the Proponent) is proposing to construct, operate, and decommission an open pit palladium mine approximately 9.3 kilometers from the Biigtigong Nishnaabeg reserve. The proposed Project is located entirely within the unceded, unsurrendered and exclusive Aboriginal Title territory of Biigtigong Nishnaabeg. The Project is located adjacent to the Biigtig Zibi (Pic River), which Biigtigong Nishnaabeg regards as a sacred River. The Biigtig Zibi flows through the Biigtigong Nishnaabeg reserve. The location of the mine within Biigtigong Nishnaabeg’s Exclusive Aboriginal Title Area and its proximity to Biigtigong Nishnaabeg’s reserve means that the mine will adversely impact the environmental, cultural, and socio-economic wellbeing of Biigtigong Nishnaabeg and the continued exercise of Biigtigong Nishnaabeg’s Aboriginal Title rights and interests.

## Significant Adverse Effects on Biigtigong Nishnaabeg

On August 2, 2022, the Joint Review Panel released its Report and findings regarding significant adverse environmental effects anticipated to result from the Marathon Palladium Project. The Panel considered the potential for significant adverse effects on Indigenous communities, including Biigtigong Nishnaabeg, within the framework of paragraph 5(1)(c) of CEEA 2012, which focusses on impacts to current use of lands and resources for traditional purposes, physical and cultural heritage, and health and socio-economic conditions.

*The Panel found there to be significant adverse environmental effects to each of the 5(1)(c) elements as it relates to Biigtigong Nishnaabeg.* This is precedent-setting, as Biigtigong Nishnaabeg understands that no other environmental assessment, conducted either by the Impact Assessment Agency of Canada (IAAC) or by Joint Review Panel, has ever determined there to be significant adverse environmental effects across all elements examined for one Indigenous group. These significant adverse environmental effects result not only from proposed activities of the Proponent, but also from the legacy of colonial and historically racist Crown policies and legislation that have negatively impacted the wellbeing of Biigtigong Nishnaabeg and the ability to exercise our Aboriginal Title rights and interests. Biigtigong Nishnaabeg is of the opinion that these significant adverse environmental effects must be addressed not only by the Proponent – as the actor responsible for the development of the Project – but also the Crown – as the actor authorizing or permitting the Project to proceed.

## Comments on the Proposed Federal Environmental Assessment Conditions

Biigtigong Nishnaabeg has reviewed the 128 Joint Review Panel recommendations and the proposed federal environmental assessment conditions for the Project. Biigtigong Nishnaabeg understands that final federal conditions would become legally-binding for the Proponent if the federal Minister of Environment and Climate Change issues a decision statement indicating the Project may proceed.

**Table 1** below outlines Biigtigong Nishnaabeg’s comments on the proposed federal environmental assessment conditions.



Table 1: Biigtigong Nishnaabeg’s Comments on the Proposed Federal Environmental Assessment Conditions

Federal EA Condition	Biigtigong Nishnaabeg Comments
<p><b>Condition 2.5:</b> Where seeking consensus is a requirement of a condition set out in this document, the Proponent shall report, as part of the annual report in condition 2.10 their efforts to seek consensus with the specified party in relation to the subject matter of the condition, including:</p> <p><b>2.5.1</b> whether consensus has been achieved, or if consensus has not been achieved:</p> <p><b>2.5.1.1</b> a description of the actions and steps the Proponent has taken to seek consensus; and</p> <p><b>2.5.1.2</b> a summary of the views of the specified party in relation to the Proponent’s efforts to seek consensus. The Proponent shall provide the specified party with the opportunity to provide a summary of their views, in their own words, for inclusion in the annual report.</p>	<p>Biigtigong Nishnaabeg notes that the Proponent is required to “seek consensus” with Biigtigong Nishnaabeg on the following conditions:</p> <p><b>3.15</b> (surface water quality follow-up program)  <b>3.17</b> (fish and fish habitat follow-up program)  <b>6.3</b> (human health follow-up program - water)  <b>6.6</b> (mitigations for socio-economic impacts)  <b>6.7</b> (socio-economic follow-up program)  <b>11.2</b> (final reclamation plan)</p> <p>Biigtigong Nishnaabeg is supportive of the federal government’s efforts to include consent-based standards in the potential federal environmental assessment conditions. However, Biigtigong Nishnaabeg notes Condition 2.5 provides for the potential that the Proponent may proceed in cases where consensus is not reached, so long as they can document efforts made to seek consensus. By including this latitude, the principle of seeking consent is diminished back down to traditional consultation approaches, meaning that so long as a Proponent demonstrates that they have consulted, they may proceed with their planned activities regardless of the outcomes of that consultation.</p> <p>It is Biigtigong Nishnaabeg’s expectation that for the conditions where “seeking consensus” is a requirement, that nothing short of <u>full consensus achieved</u> shall be viewed as fulfillment of the condition in question.</p>
<p><b>Conditions 5.1 – 5.3.3</b> concerning Greenhouse Gas Emissions</p>	<p>Biigtigong Nishnaabeg notes that there are no requirements for Indigenous engagement, consultation or consent in any of the</p>



	<p>Conditions included in Section 5 (conditions 5.1 – 5.3.3) concerning Greenhouse Gas Emissions.</p> <p>Biigtigong Nishnaabeg considers this to be a significant oversight. It is Biigtigong Nishnaabeg’s expectation that Section 5 (conditions 5.1 – 5.3.3) of the potential federal environmental assessment conditions include requirements for Indigenous engagement, consultation or consent.</p>
<p><b>Condition 6.7:</b> Proponent shall develop, prior to construction and in consultation with <b>Biigtigong Nishnaabeg</b>, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures described in condition 6.6 as it pertains to adverse environmental effects on the socio-economic conditions of <b>Indigenous groups</b> from changes to the environment caused by the Designated Project. The Proponent shall seek consensus with Biigtigong Nishnaabeg on the content of the follow-up program and its implementation. As part of the follow-up program the Proponent shall monitor...</p>	<p>It is Biigtigong Nishnaabeg’s opinion that Condition 6.7 incorrectly references other “Indigenous groups” when the condition is related only to the socio-economic effects and follow-up programs pertaining to Biigtigong Nishnaabeg.</p> <p>Biigtigong Nishnaabeg recommends Condition 6.7 be revised to remove reference to other Indigenous groups and instead refer only to Biigtigong Nishnaabeg.</p>
<p><b>Condition 6.8:</b> The Proponent shall conduct pre-construction surveys, in consultation with the Métis Nation of Ontario, Red Sky Métis Independent Nation and Jackfish Métis Association, to confirm the extent and nature of harvesting practices by these Indigenous groups in the local study areas for fish, vegetation and wildlife identified in Figure 2.4-2 of Appendix 6 of the Joint Review Panel Report.</p> <p><b>Condition 6.9:</b> The Proponent shall develop, prior to construction and in consultation with Pays Plat First Nation, Métis Nation of Ontario, Red Sky Métis Independent Nation and Jackfish Métis Association, and implement measures to mitigate adverse</p>	<p>Biigtigong Nishnaabeg notes that Condition 6.8 and the related subsequent Conditions 6.9, 6.10 and 6.11 require of the Proponent work (e.g., the conduct of surveys and studies; the determination of mitigation measures and follow-up programs) that should have been and / or has already been conducted as part of the environmental assessment process.</p> <p>Biigtigong Nishnaabeg notes that throughout the extensive environmental assessment process, information that is the focus of Conditions 6.8 – 6.11 was not brought forward by the appropriate parties in question. As such information was not presented during the</p>



<p>environmental effects on the socio-economic conditions of Indigenous groups from changes to the environment caused by the Designated Project. The Proponent shall take into account the results of the surveys referred to in condition 6.8, and the impacts determined during the environmental assessment when developing and implementing these measures.</p> <p><b>Condition 6.10:</b> The Proponent shall develop, prior to construction and in consultation with Pays Plat First Nation, Métis Nation of Ontario, Red Sky Métis Independent Nation and Jackfish Métis Association, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on the socio-economic conditions of these Indigenous groups from changes to the environment caused by the Designated Project. The Proponent shall implement the follow-up program during all phases of the Designated Project.</p> <p><b>Condition 6.11:</b> The Proponent shall communicate to the Indigenous groups named in condition 6.7 and 6.10, the results of the follow-up programs that pertain to each Indigenous group and shall determine, in consultation with each group, the procedures, including timing and methods, for sharing this information.</p>	<p>environmental assessment phase, Biigtigong Nishnaabeg does not see the relevancy of, nor the need for, these conditions.</p> <p>Additionally, Biigtigong Nishnaabeg would like to remind the Crown that Biigtigong Nishnaabeg asserts Exclusive Aboriginal title rights to the territory on which the mine is located. In recognition of these exclusive Aboriginal title rights, conditions on the Proponent for continued engagement in follow-up and monitoring, and the provision of programs, funding and other supports should be focused solely on Biigtigong Nishnaabeg.</p>
<p><b>Condition 7.9:</b> The Proponent shall develop, prior to construction and in consultation with Biigtigong Nishnaabeg, Pays Plat, and other Indigenous groups, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of any mitigation measures, including measures in condition 3.6, as it pertains to adverse environmental effects of the Designated Project on current use of lands and resources for traditional purposes and the cultural heritage of Indigenous groups related to</p>	<p>As Biigtigong Nishnaabeg has expressed throughout the environmental assessment process, supplemental flow to Stream 6 (Angler Creek) is required to mitigate the significant socio-cultural impacts to Biigtigong Nishnaabeg resulting from the irreversible impacts to the hydrology of Stream 6 (Angler Creek).</p> <p>Biigtigong Nishnaabeg would like to remind the Crown that Biigtigong Nishnaabeg asserts Exclusive Aboriginal title rights to the territory on which the mine is located. In recognition of these exclusive Aboriginal</p>



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<p>Stream 6 (Angler Creek), not already addressed by follow-up programs referred to in conditions 3.14, 3.15 and 3.17.</p>	<p>title rights, conditions on the Proponent for continued engagement in follow-up and monitoring, and the provision of programs, funding and other supports should be focused solely on Biigtigong Nishnaabeg.</p>
<p><b>Condition 8.1:</b> The Proponent shall complete, prior to construction and in consultation with Biigtigong Nishnaabeg and Pays Plat First Nation, an additional stage 2 archaeological assessment in accordance with Ontario’s Standards and Guidelines for Consultant Archaeologists of the area surrounding the location of the discharge structure, if the final location of the discharge structure is in the area of archaeological potential on Hare Lake identified in Map 4 of the Supporting Information Document No. 27 of the environmental impact statement (Canadian Impact Assessment Registry Reference Number 54755, document number 227).</p> <p><b>Condition 8.2:</b> The Proponent shall develop, in consultation with Biigtigong Nishnaabeg and Pays Plat First Nation and Ontario Ministry of Citizenship and Multiculturalism, and implement measures to mitigate adverse environmental effects of the Designated Project on any structures, sites or things of historical, archaeological, paleontological or architectural significance identified through the stage 2 archaeological assessment referred to in condition 8.1.</p>	<p>Biigtigong Nishnaabeg would like to remind the Crown that Biigtigong Nishnaabeg asserts Exclusive Aboriginal title rights to the territory on which the mine is located. In recognition of these exclusive Aboriginal title rights, conditions on the Proponent for continued engagement in follow-up and monitoring, and the provision of programs, funding and other supports should be focused solely on Biigtigong Nishnaabeg.</p>
<p><b>Condition 11.2.2.3:</b> identifying any technically and economically feasible alternative location for discharging water from the north pit lake into the Biigtig Zibi during post- closure. If a technically and economically feasible alternative location is identified, the Proponent shall notify the Agency in writing pursuant to condition 2.16 of their proposed change to the Designated Project before implementing the alternative. If a technically and economically feasible alternative is not identified, the Proponent shall report to Biigtigong Nishnaabeg and the Agency on the options considered</p>	<p>As Biigtigong Nishnaabeg has expressed throughout the environmental assessment process, any and all discharge to the Biigtig Zibi (Pic River) during all phases of the life of the mine is socially and culturally unacceptable to Biigtigong Nishnaabeg.</p> <p>Biigtigong Nishnaabeg recommends the proposed Condition 11.2.2.3 be revised to include the requirement to <i>implement</i> feasible alternatives to ensure that there is no discharge of pit lake, water within the Mine Rock Storage Area, or other contact water, to the Biigtig Zibi (Pic River) during</p>



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<p>and why they were determined not to be technically or economically feasible; and</p>	<p>all phases of the life of the mine, including during the closure and post-closure phases, if and until such time as Biigtigong Nishnaabeg consents to discharge of water back into the Biigtig Zibi (Pic River).</p> <p>Biigtigong Nishnaabeg recommends the following revisions to Condition 11.2.2.3:</p> <p><i>“identifying and <b>taking all reasonable steps to implement</b> a technically and economically feasible alternative location for discharging water from the north pit lake into the Biigtig Zibi during post-closure. If a technically and economically feasible alternative location is identified, the Proponent shall notify the Agency in writing pursuant to condition 2.16 of their proposed change to the Designated Project before <b>beginning to implement</b> the alternative. If a technically and economically feasible alternative is not identified, the Proponent shall report to Biigtigong Nishnaabeg and the Agency on the options considered and why they were determined not to be technically or economically feasible. <b>The proponent shall take all reasonable steps to implement the alternative water discharge option;</b>”</i></p>
<p><b>Condition 12:</b> The Proponent shall retain, prior to construction, the services of Indigenous monitors to participate in follow-up monitoring set out in condition 3.13 through 3.17, 4.5, 6.3 through 6.5, 6.7, 6.10, 7.9, 9.2, 10.6, 10.8.4, and 11.2.3. Prior to retaining the services of Indigenous monitors, the Proponent shall undertake a collaborative process to determine, in consultation with Biigtigong Nishnaabeg and other Indigenous groups, the scope, purpose, objectives, and details of the participation of Indigenous monitors and shall provide this information to the Agency prior to construction. In doing so, the Proponent shall determine:</p> <p>how each Indigenous monitor shall be involved in follow-up monitoring related to their area of interest, including the location,</p>	<p>Biigtigong Nishnaabeg would like to remind the Crown that Biigtigong Nishnaabeg asserts Exclusive Aboriginal title rights to the territory on which the mine is located. In recognition of these exclusive Aboriginal title rights, conditions on the Proponent for continued engagement in follow-up and monitoring, and the provision of programs, funding and other supports should be focused solely on Biigtigong Nishnaabeg.</p> <p>Biigtigong Nishnaabeg is of the view that any requirements for the engagement of Indigenous monitors should be focused on engaging Biigtigong Nishnaabeg members solely, to fulfil any such monitoring roles.</p>





<p>frequency, timing and duration of their participation. If opportunities for Indigenous monitor participation in specific monitoring do not exist, provide justification for why; and how the Proponent shall support the participation of Indigenous monitors, including through the provision of training, equipment and access to the Designated Project area.</p>	
<p><b>Condition 14.1:</b> The Proponent shall participate, during all phases of the Designated Project and at the request of relevant federal authorities, in any Environmental Monitoring Committee (EMC), should one be established in relation to the Designated Project.</p>	<p>Biigtigong Nishnaabeg is of the view that Condition 14.1 lacks appropriate and descriptive details. The condition provides for the establishment of an Environmental Monitoring Committee but only “should one be established”. It is also not clear who would establish this committee, who would sit on the committee and the purpose / scope of this committee.</p> <p>Biigtigong Nishnaabeg recommends Condition 14.1 be revised to include appropriate and descriptive details.</p>



## Concerns with Lack of Conditions to Address all Panel Recommendations

Biigtigong Nishnaabeg notes that several recommendations brought forward by the Joint Review Panel were not included in the potential federal environmental assessment conditions. The recommendations not included in the potential federal environmental assessment conditions have been outlined in **Table 2** below. Biigtigong Nishnaabeg understands the Impact Assessment Agency of Canada (IAAC) considers the issues identified in these Panel recommendations to be outside of the purview and mandate of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

It is Biigtigong Nishnaabeg's expectation that *all of the recommendations* brought forward by the Joint Review Panel be addressed through binding environmental assessment conditions. These conditions should be issued by either the federal or the provincial governments according to their respective legislative and jurisdictional bounds.

It is Biigtigong Nishnaabeg's expectation that any Panel recommendation considered outside of the purview of CEAA 2012 be *relayed to the Province of Ontario* for consideration, application and inclusion in the provincial EA conditions.



Table 2: Biigtigong Nishnaabeg Comments on Panel Recommendations with No Corresponding Federal Condition

Panel Recommendation	Biigtigong Nishnaabeg Comments
<p><b>Recommendation 78:</b> As part of Project planning, GenPGM should develop recruitment and training programs focused on attracting and retaining underrepresented populations (e.g., Indigenous Peoples and women) within the mining sector. The focus of these programs would be on populations within the Local Study Area and Regional Study Area and would continue into the operations phase of the Project to address employee attrition.</p>	<p>Biigtigong Nishnaabeg is supportive of the intent of this recommendation. It is Biigtigong Nishnaabeg’s expectation that any Panel recommendation considered outside of the purview of CEAA 2012 be addressed by the Province of Ontario in the provincial EA conditions.</p>
<p><b>Recommendation 80:</b> GenPGM should provide employees with physical, mental, and social health services, including an employee assistance program and onsite emergency services such that new and unsustainable demands from the Project are not placed on existing services in Marathon. These services would commence at the beginning of Project Construction</p>	<p>Biigtigong Nishnaabeg is supportive of the intent of this recommendation. It is Biigtigong Nishnaabeg’s expectation that any Panel recommendation considered outside of the purview of CEAA 2012 be addressed by the Province of Ontario in the provincial EA conditions.</p>
<p><b>Recommendation 81:</b> GenPGM should implement a worker housing strategy, which entails the use of an accommodations complex in or near Marathon during construction and operations, and a rotational work arrangement to minimize the number of transient workers in Marathon at any point in time.</p>	<p>As expressed to the Joint Review Panel, Biigtigong Nishnaabeg is of the view that the Accommodations Complex is not an appropriate mitigation measure and in fact, is a proposal that may exacerbate potential impacts to social wellbeing and safety, particularly for vulnerable populations such as Indigenous women and girls. As noted previously the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls noted that there is a risk of potential racism, violence and safety issues associated with such shared living complexes. Biigtigong Nishnaabeg notes that evidence presented in studies and literature illustrates how resource extraction and development in rural and northern communities can exacerbate housing insecurities in Indigenous communities. These housing insecurities can especially impact vulnerable populations, including women and children.</p>



	<p>It is Biigtigong Nishnaabeg’s expectation that the Province of Ontario consider Biigtigong Nishnaabeg’s comments with regards to this Panel recommendation in the crafting of the provincial EA conditions.</p>
<p><b>Recommendation 82:</b> GenPGM should provide sufficient financial support to fund key community services or organizations in support of fitness and recreational programs for workers. These programs should be carried out in existing facilities.</p>	<p>Biigtigong Nishnaabeg is supportive of the intent of this recommendation. It is Biigtigong Nishnaabeg’s expectation that any Panel recommendation considered outside of the purview of CEEA 2012 be addressed by the Province of Ontario in the provincial EA conditions.</p>
<p><b>Recommendation 84:</b> GenPGM should develop policies and procedures in collaboration with Indigenous groups that address workplace and community risks associated with violence, harassment and discrimination. The policies should include a code of conduct that covers issues of violence, harassment and discrimination. Information on these policies and procedures would be part of a cultural competency training program for all employees hired throughout the life of the Project that should also include content on the history of the residential school system, the Truth and Reconciliation Commission, missing and murdered Indigenous women and girls, and Indigenous rights. An incident reporting and monitoring program should be established. The program should assess the effectiveness of the training with augmentation and adjustment to training and conduct expectations. Explicit consequences should be articulated and enforced in response to violence, harassment and discrimination events.</p>	<p>Biigtigong Nishnaabeg is of the view that while policies and procedures are helpful and needed to address risks of workplace and community violence, harassment and discrimination, they are insufficient on their own to fully address this issue. Any incidents of violence, harassment and discrimination need to be acted upon immediately and at the highest level of management of the mine in order to ensure zero-tolerance for any such acts. Education and awareness coupled with strong leadership, clear consequences and enforcement and compliance actions is required.</p> <p>It is Biigtigong Nishnaabeg’s expectation that the Province of Ontario consider Biigtigong Nishnaabeg’s comments with regards to this Panel recommendation in the crafting of the provincial EA conditions.</p>
<p><b>Recommendation 85:</b> The Proponent should follow the requirements of the Pic Forest Management Plan for land clearing and wood utilization, to the extent possible, including the salvaging of merchantable wood for commerce or firewood.</p>	<p>Biigtigong Nishnaabeg is supportive of the intent of this recommendation. It is Biigtigong Nishnaabeg’s expectation that any Panel recommendation considered outside of the purview of CEEA 2012 be addressed by the Province of Ontario in the provincial EA conditions.</p>



<p><b>Recommendation 86:</b> The Proponent should, as part of a socio-economic monitoring program, monitor impacts on harvesters, including tracking the ability of harvesters to relocate and the level and change of harvesting near the Project site.</p>	<p>Biigtigong Nishnaabeg is supportive of the intent of this recommendation. It is Biigtigong Nishnaabeg’s expectation that any Panel recommendation considered outside of the purview of CEAA 2012 be addressed by the Province of Ontario in the provincial EA conditions.</p>
<p><b>Recommendation 108:</b> Develop and implement workplace policies and procedures to address and minimize risks associated with related violence, harassment, and discrimination toward Indigenous Peoples that are applicable in the workplace and local communities, as part of an overall cultural competency training program.</p>	<p>Biigtigong Nishnaabeg is of the view that while policies and procedures are helpful and needed to address risks of workplace and community violence, harassment and discrimination, they are insufficient on their own to fully address this issue. Any incidents of violence, harassment and discrimination need to be acted upon immediately and at the highest level of management of the mine in order to ensure zero-tolerance for any such acts. Education and awareness coupled with strong leadership, clear consequences and enforcement and compliance actions is required.</p> <p>It is Biigtigong Nishnaabeg’s expectation that the Province of Ontario consider Biigtigong Nishnaabeg’s comments with regards to this Panel recommendation in the crafting of the provincial EA conditions.</p>



## Conclusion

In this submission, Biigtigong Nishnaabeg has presented comments and views regarding the proposed federal environmental assessment conditions and comments regarding Panel recommendations with no corresponding federal environmental assessment conditions.

It is Biigtigong Nishnaabeg's expectation that all comments and views contained herein be duly considered and addressed in the final federal environmental assessment conditions to be imposed as legally-binding for the Proponent, should the federal Minister of Environment and Climate Change issue a decision statement indicating the Project may proceed.

Additionally, Biigtigong Nishnaabeg would like to reiterate that it is Biigtigong Nishnaabeg's expectation that all of the recommendations brought forward by the Joint Review Panel be addressed through binding environmental assessment conditions. These conditions should be issued by either the federal or the provincial governments according to their respective legislative and jurisdictional bounds. Accordingly, should any Panel recommendation be considered outside of the purview of CEAA 2012, such recommendations should be relayed to the Province of Ontario for consideration, application and inclusion in the provincial environmental assessment conditions.

