

**Ministry of Citizenship
and Multiculturalism**

Heritage Branch
400 University Ave
5th Floor
Toronto ON M7A 2E7
Tel.: 613.242.3743

**Ministère des Affaires civiques
et du Multiculturalisme**

Direction du patrimoine
400, av. University
5th étage
Toronto ON M7A 2E7
Tél.: 613.242.3743



October 21, 2022

VIA EMAIL

Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, Ontario K1A 0H3
Telephone: 613-957-0700 or 1-866-582-1884
Fax: 613-957-0862
Email: IAAC.Conditions.AEIC@iaac-aeic.gc.ca
Conditions@iaac-aeic.gc.ca

MCM File : <sensitive information removed>
Proponent : **Generation PGM Inc. (GenPGM)**
Subject : **Potential Federal Environmental Assessment Conditions –
Document Reference Number: 1305**
Project : **Marathon Palladium Project – Project reference number:54755**
Location : **Marathon, Ontario**

Thank you for the opportunity to review and provide comments on the potential federal conditions for the Marathon Palladium Project.

Effective October 17, 2022, units responsible for cultural heritage matters have been transferred from the Ministry of Tourism, Culture and Sport (MTCS) to the Ministry of Citizenship and Multiculturalism (MCM). Responsibility for the Ontario Heritage Act and associated Provincial functions is now held by MCM. Individual staff roles and contact information remain unchanged.

MCM's interest in the Marathon Palladium Project relates to the ministry's mandate to develop policies and programs for the conservation of Ontario's cultural heritage.

Please find MCM's comments on the potential federal conditions below.

Thank you for providing MCM with the opportunity to comment on the potential conditions. Please do not hesitate to contact me if you have any questions or require clarification.

Sincerely,

Karla Barboza,
Team Lead, Heritage
<email address removed>

Copied to: James Hamilton, Manager, Heritage Planning Unit, MCM
James Antler, Policy Advisor, Tourism Policy Unit, MTCS
May Lyn Trudelle, Senior Program Support Coordinator, MECP
Kendrick Doll, Senior Project Evaluator, MECP

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with Ontario Regulation 30/11 the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at archaeology@ontario.ca) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

Item	Potential Federal Condition	MCM comments
1	<p>8 Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance</p> <p>8.1 The Proponent shall complete, prior to construction and in consultation with Bigtong Nishnaabeg and Pays Plat First Nation, an additional stage 2 archaeological assessment in accordance with Ontario's <i>Standards and Guidelines for Consultant Archaeologists</i> 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>8.2 The Proponent shall develop, in consultation with Bigtong 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>8.3 For any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project area by the Proponent, or brought to the attention of the Proponent by a Bigtong Nishnaabeg and Pays Plat First Nation or another party during any phase of the Designated Project, the Proponent shall:</p> <p>8.3.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;</p> <p>8.3.2 delineate an area around the discovery as a no-work zone;</p> <p>8.3.3 inform the Agency and Indigenous groups within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works;</p> <p>8.3.4 have a qualified individual, whose expertise pertains to the requirements of Ontario's <i>Heritage Act</i>, conduct an assessment at the location of the discovery; and</p> <p>8.3.5 consult with Bigtong Nishnaabeg, Pays Plat First Nation and relevant authorities on the manner by which the Proponent shall comply with all applicable</p>	<p>MCM recommends that the conditions align with the current legislative framework in Ontario and also clarify timelines to complete archaeological assessments. If the archaeological assessment identifies a site requiring further assessment, and the proponent, in consultation with Indigenous communities, decides to move the discharge structure (at Hare Lake) to another location, further archaeological assessments may be required depending on the new location.</p> <p>MCM recommends the following edits:</p> <p>8.1 The Proponent shall complete, early as possible during detailed design prior to construction and in consultation with Bigtong 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). The stage 2 archaeological assessment (and further stages, if recommended) will be undertaken by an archaeologist licensed under the Ontario Heritage Act and in accordance with the Standards and Guidelines for Consultant Archaeologists.</p> <p>8.2 The Proponent shall develop, in consultation with Bigtong 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 assessments referred to in condition 8.1</p>

Item	Potential Federal Condition	MCM comments
	<p>legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.</p> <p>8.4 The Proponent shall develop, prior to construction and in consultation with Bigtong Nishnaabeg, and implement measures to address the adverse effects caused by the construction and operation of the Designated Project on cultural heritage and resulting impacts on mental health. The Proponent shall implement the measures during all phases of the Designated Project. (...)</p> <p>8.5 The Proponent shall participate, prior to construction and at the request of relevant authorities, in the replacement of the Bigtong Nishnaabeg Community Trapline. The Proponent shall consult Bigtong Nishnaabeg and relevant authorities responsible for the replacement of the trapline on the nature of its participation.</p>	<p>Delete condition 8.3.2 – The proponent shall stop work and contact the Ministry of Citizenship and Multiculturalism (at archaeology@ontario.ca)</p> <p>Condition 8.3.3 – inform the Agency, the Ministry of Citizenship and Multiculturalism and Indigenous groups (...)</p> <p>Condition 8.3.5 - MCM recommends that the condition be specific about what constitutes 'relevant authority'.</p> <p>Condition 8.5 - MCM recommends that the condition be specific about what constitutes 'relevant authority'.</p>