

Public Hearing Procedures – Marathon Palladium Project

1. Introduction

- (a) This document establishes the procedures for the public hearing to be conducted by the Joint Review Panel (the Panel) established to review the Marathon Palladium Project (the Project) proposed by Generation PGM Inc. (GenPGM). The Panel has been mandated to conduct a review of the potential environmental effects of the Project in accordance with the Terms of Reference issued by the federal Minister of Environment and Climate Change and the Ontario Minister of the Environment, Conservation and Parks. Please consult the amended Joint Review Panel Agreement and the Panel’s Terms of Reference (Canadian Impact Assessment Registry [CIAR] Doc #730) for details regarding the mandate of the Panel.
- (b) The purpose of these procedures is to provide an overview of how the public hearing will be conducted and explain how the public can participate in the hearing. The Panel is committed to conducting the public hearing in a manner that provides for a full examination of relevant issues within the Panel’s mandate, and encourages public input and participation in a fair and equitable manner, with co-operation and courtesy.
- (c) The Panel has the discretion to change these procedures if they are satisfied that the objectives of the public hearing can be better achieved by taking a different approach. Where the Panel proposes to change the hearing procedures, participants will, where possible, be given notice and the opportunity for input. The Panel has the right to address any issues of non-compliance with these procedures.
- (d) For the public hearing, **Participant** refers to any person defined as an interested party as per Section 2.0 of the *Canadian Environmental Assessment Act, 2012* and any individual, organization, Indigenous group, government agency, institution or other entity that has registered to participate with the Panel Secretariat. Participation of any participant in the public hearing is at the discretion of the Panel.
- (e) In addition to these procedures, the Panel, under section 45 of the *Canadian Environmental Assessment Act, 2012*, has the power to summon any person to appear as a witness before it to give evidence, orally or in writing.

2. Objective of the Public Hearing

- (a) The objectives of the public hearing are to provide opportunities for:

- i. The Proponent to describe the Project and respond to concerns and questions raised by other Participants during the hearing;
 - ii. Participants to provide their views on the potential environmental and socio-economic effects of the Project;
 - iii. The Panel to receive information and ask questions to help in their assessment of the potential environmental effects of the Project and associated mitigation measures; and
 - iv. The Panel to obtain information to complete its Panel Report.
- (b) The public hearing will follow a fair and orderly process, and not be bound by the rules of procedure and evidence applicable to judicial proceedings. The Panel encourages groups and individuals to speak on their own behalf and that they ask their own questions at the public hearing. Representation by legal counsel is not necessary and swearing in of witnesses will not take place.

3. Format of the Public Hearing

- (a) The public hearing will take place virtually due to the ongoing Covid-19 pandemic.
- (b) The public hearing will consist of **Community, General and Topic-Specific** hearing sessions. A description of each type of hearing session is provided in Appendix A.
- (c) The public hearing will be live-streamed on YouTube for anyone wishing to observe the proceedings.
- (d) Active Participants will be able to participate via Zoom Videoconference (Appendix B).

4. Participating in the Public Hearing

- (a) GenPGM is expected to participate in all public hearing sessions and to make presentations at the different types of sessions, as appropriate, to provide an overview of the relevant information regarding the Project.
- (b) GenPGM will have the opportunity to make closing statements at the end of each session, if they choose to do so. The Panel will confirm with GenPGM the timing of closing statements on each hearing day.
- (c) Participants with similar issues and/or regulatory mandates (community groups, associations, government departments) are encouraged to consolidate their comments, questions and concerns and have a single person present on behalf of their respective group/department. The Panel Chair may ask participants that are making common statements to identify a single presenter to represent the group's interests.

- (d) Participants may request to participate in either the Community or General hearing session. Participants may provide a written submission **and/or** make an oral presentation to the Panel.
- (e) Participants wishing to participate in the Topic-Specific hearing sessions must provide a written submission **and** make an oral presentation to the Panel except holders of Indigenous knowledge who may choose to make an oral presentation only.
- (f) Participants intending to participate in the public hearing through any of the methods outlined above must register by contacting the Panel Secretariat at marathonminereview-examenminemarathon@iaac-aeic.gc.ca at **least 30 calendar days in advance** of the start of the public hearing. Early registration will allow for the public hearing sessions to be planned in a logical and organized manner.
- (g) When registering, Participants must indicate the following:
 - i. whether they wish to register for the Community, General, or Topic-Specific hearing sessions;
 - ii. if they are registering as an individual or a group;
 - iii. the name and contact information of the main contact;
 - iv. a synopsis of the information they intend to present;
 - v. whether they have a need for a translator and for which language; and
 - vi. whether they intend to be represented by legal counsel.
- (h) The Panel may allow late registrations at their discretion. Participants who miss the registration deadline and wish to request late registration are encouraged to contact the Panel Secretariat in writing as soon as possible.

5. Oral Presentations

- (a) Participants making oral presentations may use visual aids to support their presentation. Visual aids must be submitted to the Panel Secretariat **7 days in advance** of the start of the session in which they will be presenting.
- (b) Participants who make an oral presentation will have their views entered into the record of the proceedings through the official transcripts.
- (c) The time allowed for oral presentations may vary depending on the type of hearing session (Appendix A).

6. Written Submissions

- (a) All written submission must be sent to the Panel Secretariat **fifteen (15) calendar days prior** to the start of the public hearing so that the Panel and other Participants may consider this information in advance of the hearing process.
- (b) Participants who make a written submission only should understand that they may still be required by the Panel to attend the hearing session to answer questions (see Appendix A).
- (c) Hyperlinks to websites, journals and /or articles will not be accepted as part of the record unless the information is summarized in the Participant's own words.

7. Use of Experts

- (a) If a Participant's submission is based in whole or in part on the advice of an expert¹, it is the responsibility of that Participant to ensure the expert is available to answer questions by the Panel, GenPGM and other Participants and that their expert(s) are present in the hearing session when the submission is being presented to the Panel.

8. Questioning

- (a) Participants who have registered to participate in the public hearing, or experts who have prepared advice for Participants, may be asked questions by the Panel, the Proponent and other Participants.
- (b) The purpose of the questions should always be to clarify information in order to help the Panel understand more fully the potential environmental effects of the Project as outlined in the Panel's Terms of Reference. Questioning is not an opportunity for Participants to make comments or statements.
- (c) Questioning of Participants is not intended to be adversarial in nature or to resemble cross-examination.
- (d) All Participants must be courteous and respectful when asking questions. The Panel Chair may refuse to permit further questioning from an individual who is being discourteous or disrespectful. Clarity and brevity in questions and responses is encouraged.

¹ An expert is a person who provides information to the Panel on scientific, technical, social science or traditional knowledge issues and who, by reason of education, training and/or experience, has acquired specialized knowledge in the areas in which he/she is providing information.

- (e) Questions should be directed through the Panel Chair who may subsequently allow a Participant to put questions directly to the presenter. Where a Participant does not adhere to these procedures or to a direction of the Panel Chair, the Panel Chair may refuse to permit further questioning from that individual.
- (f) If a Participant is unable to respond to a question when asked, the Panel Chair may ask the Participant to undertake to provide the answer to the question later, by way of a response to an Undertaking. An Undertaking is a commitment to submit a written response to the question to the Panel at a later time. Undertakings must be submitted to the Panel before the end of the public hearing, or sooner if directed by the Panel Chair.
- (g) The Panel Chair will determine the order in which Participants may question presenters. The Panel members may also ask questions at any time.
- (h) The Panel Chair may limit or exclude questions or comments that fall outside the mandate of the Panel, or that are repetitive or immaterial. The Panel may also limit questions if it feels it already has sufficient information on the topic that is the subject of the questioning.

9. Closing Remarks

- (a) At the end of the public hearing, a session will be reserved for closing remarks by the Participants. The Panel will endeavour to provide at least **2 days between** the final hearing session and the start of the closing remarks to allow Participants time to prepare.
- (b) Participants who wish to make closing remarks should register with the Panel Secretariat no later than **seven (7) calendar days prior** to the start of the closing remarks session.
- (c) Only Participants who have registered and made submissions to the Panel (either oral or written) are eligible to make closing remarks.
- (d) Closing remarks shall not be used to present new information. Rather, they should summarize the Participant's position on the Project, based on information that is on the record, and the Participant's position on the types of conclusions or recommendations the Panel should make in relation to the Project.
- (e) Each participant will be allowed a **maximum of 10 minutes** for closing remarks. A longer period may also be allowed at the discretion of the Panel Chair if such a request is made by the participant at the time of registration.

- (f) Questioning will not be permitted following closing remarks. The Panel may ask questions of clarification to ensure it has a full understanding of each Participant's closing remarks.
- (g) Participants may choose to submit written closing remarks rather than appearing in the session to make oral remarks. Written closing remarks shall be filed with the Panel by sending them to the Panel Secretariat no later than the last day of the public hearing.
- (h) The Proponent will present its closing remarks last.

10. Motions

- (a) Participants who wish to raise procedural matters with the Panel regarding the conduct of the public hearing may do so at any time, but preferably at the beginning of the public hearing. The Panel Chair has the discretion to require a written submission on any procedural issue. The Panel Chair also has the discretion to decide how the Panel will address any procedural issue raised and will inform participants accordingly.

11. Interpretation

- (a) Participants wishing to speak in a language other than English at the public hearing must advise the Panel Secretariat at the time of registering so that arrangements for interpretation services can be made.
- (b) If a participant wishes to speak in French, the Panel will make the necessary arrangements to provide French interpretation, as per the requirements of the *Official Languages Act*.
- (c) If a participant wishes to speak in any other language (such as an Indigenous language), the Secretariat will work with the community to determine if an interpreter is available. If an interpreter is available, the Panel will make the necessary arrangements to provide interpretation into the other language.

12. Confidential Information

- (a) If any Participant requests that their information be kept confidential, the Panel will decide whether to grant the request, having regard to the powers of the Panel as set out in the section 45 of the *Canadian Environmental Assessment Act, 2012* and the Final Procedure for Requesting Confidentiality (CIAR #212).
- (b) The Panel's decision and reason for its decision will be posted to the public registry.

13. Schedule of the Public Hearing

- (a) A schedule for the public hearing, the order of registered Participants and the link to the live streaming on YouTube will be posted to the public registry in advance of the start of the public hearing.
- (b) The Panel Secretariat will provide registered Participants with the Zoom link and a timing window in which they are expected to present to the Panel. Participants must be ready to join the hearing via electronic means **15 minutes prior** to their designated time. Participants will enter the waiting room and then the Zoom host will provide entry into the hearing room.
- (c) Any changes made to the hearing schedule will be posted to the public registry and Participants will be notified by the Panel Secretariat.

14. Maintaining Order

- (a) The Panel Chair may take any action considered necessary to maintain order during the public hearing, including limiting or refusing a Participant's participation in the hearing or postponing the hearing session.
- (b) Participants shall have their microphones muted at all times unless presenting to the Panel, questioning or answering a question. Presenters are expected to participate from a quiet room to limit disruptions.
- (c) Hearing participants are encouraged to review the Electronic Public Hearing Protocol (Appendix B) document presented in Appendix B in the event that the Public Hearing is held virtually.

15. Presentation of documents during the hearing

- (a) Participants are responsible for ensuring they have access to all documents filed on the registry for the Project (i.e. internet access to the public registry or documents downloaded ahead of time).
- (b) A Participant may ask for a document from the registry to be presented on Zoom during their presentation or during questioning. The request for a document to be displayed needs to include the CIAR number, document title and the PDF page number. The Zoom host will display the document on the Zoom screen for the Panel, GenPGM, Participants and the public to view. Participants should not begin referring to the document until it is displayed.

- (c) If Participants have a visual presentation that is to be displayed on Zoom, they are expected to provide it to the Panel Secretariat via email (or by email to a file sharing site for any file that is larger than 10 MB) to the Project inbox **7 days before** they are scheduled to present.

16. Hearing Record and Close of Hearing

- (a) Written transcripts of all hearing sessions will be prepared in English, and will be made available on the public registry as soon as possible. Transcripts will be made available in French upon request. Generally, hearing transcripts are made available in English the next day. Transcripts from 'in camera' sessions will not be posted on the registry (see section 9.0).
- (b) All documents related to the public hearing, including written submissions, visual aids, transcripts, hearing schedules and Undertakings, will be placed on the public registry and made available for viewing as soon as practical at: <https://iaac-aeic.gc.ca/050/evaluations/proj/54755>.
- (c) Following the completion of the closing remarks, the Panel will close the record for the review of the Project. Once the record has been closed, no new information will be considered by the Panel.

17. Recording

- (a) The live stream of the hearing on YouTube will be recorded and made available for **30 days after the close of the record for the hearing**. The Panel Secretariat will make available a link to the YouTube recordings.

18. Media

- (a) Media should direct any inquiries regarding the Panel's activities to the Panel's Communications Officer at the contact provided below. The Panel and Panel Secretariat will not be available for media interviews.

Shelley Rolland-Poruks
Manager, Corporate & Digital Communications
Impact Assessment Agency of Canada
Shelley.Rolland-Poruks@iaac-aeic.gc.ca
613-404-7259

- (b) Members of the media are welcome to observe the hearing via the live YouTube stream.

19. Questions regarding the hearing process

- (a) Participants should direct all questions relating to the environmental assessment process, including the conduct of the public hearing to the Panel Secretariat at the contact information provided below.

Impact Assessment Agency of Canada

marathonminereview-examenminemarathon@iaac-aeic.gc.ca

Tel: (343) 549-6246

Appendix A. Hearing Sessions

This attachment outlines the specific procedures for the different public hearing sessions conducted by the Panel. All of the procedures outlined in the Public Hearing Procedures will apply during the General, Community, and Topic-specific hearing sessions. Participants may choose to register for different sessions throughout the public hearing.

1. General Hearing Sessions

- (a) The Panel will implement, to the extent possible, a flexible hearing schedule to accommodate participants, including holding evening and weekend sessions.
- (b) The purpose of the General sessions are to allow:
 - GenPGM and Participants to present their overall conclusions regarding the potential environmental and socio-economic effects of the Project;
 - The Panel and Participants to ask questions of GenPGM regarding the information presented about the Project; and
 - The Panel and GenPGM to ask questions regarding the information presented by Participants.
- (c) Participants may make oral presentations at the General sessions on any aspect within the Panel's mandate and within the scope of the review. Participants will be allocated **fifteen (15) minutes** to present.
- (d) GenPGM may choose to make a closing statement at the end of each General session to summarize what they have heard and their overall conclusions.

2. Community Hearing Sessions

- (a) The purpose of the Community Sessions is to allow:
 - GenPGM to present an overview of the Project, including aspects of the Project of particular interest to Indigenous communities;
 - Indigenous peoples, and their experts, to share with the Panel their views and concerns related to the Project, including on the potential environmental and socio-economic effects of the Project and on the location, extent and exercise of Aboriginal or Treaty rights that may be affected by the Project; and
 - The Panel, GenPGM, and Participants to ask questions, where appropriate, regarding the information shared by Indigenous peoples.
- (b) The Community sessions are intended for Indigenous communities living in close proximity to the Project to present their community views.
- (c) The Panel Secretariat will seek input from individual Indigenous communities to ensure Community sessions are conducted in a culturally appropriate and respectful manner.

3. Topic Specific Hearing Sessions

- (a) The Panel will identify the topics to be discussed at the Topic-specific sessions based on the issues that are raised during the course of the review.
- (b) The purpose of the Topic-specific sessions is to allow:
 - GenPGM and their experts to present their overall conclusions regarding the potential environmental and socio-economic effects of the Project in relation to the subject matter in the Topic-specific session;
 - Experts with specialized knowledge or expertise to inform the Panel of the results of their technical review of the potential environmental and socio-economic effects of the Project; and
 - The Panel, Participants and GenPGM to ask questions on information presented.
- (c) Only Participants who have expertise or who have hired experts may register to participate in the topic-specific sessions. Participants will be allocated **twenty (20) minutes** to present.
- (d) Topic-specific sessions will be held during the weekday and may extend into the evening, at the discretion of the Panel.
- (e) GenPGM may choose to make a closing statement at the end of each Topic-specific session to summarize what they have heard and their overall conclusion.

Appendix B: Virtual Hearing Protocol

This document describes the procedures for virtual hearing sessions to be conducted by the Joint Review Panel (the Panel) established to review the proposed Marathon Palladium Project (the Project) by Generation PGM Inc. (GenPGM).

1. Registered Participants

- (a) Participants must register at least **30 calendar days in advance** of the start of the Public Hearing at marathonminereview-examenminemarathon@iaac-aeic.gc.ca.
- (b) A main contact must be provided to the Panel Secretariat when registering. The main contact will be provided the Zoom Teleconferencing information **24 hours in advance** of their scheduled presentation.
- (c) The Panel Secretariat will provide Participants with a window of time in which they are expected to be available to present. Participants should enter the “Lobby” of the virtual Hearing Room **15 minutes before** they are scheduled to present.
- (d) When Participants are not actively participating in the hearing, they may choose to observe the hearing utilizing the live stream on YouTube.
- (e) The Panel and representatives of GenPGM will be in the virtual Hearing Room at all times.

2. The Virtual Hearing Room

- (a) Participants are encouraged to join the public hearing using a desktop or laptop equipped with a video camera and microphone. Tablets and smartphones are discouraged.
- (b) Once connected to Zoom, Participants will be required to enter their first and last name and organization, if applicable.
- (c) Once connected to Zoom, Participants will need to wait in the “Lobby” until it is time to present. The Zoom host will admit Participants into the Hearing Room when it is their turn to present.
- (d) Participants should participate from a quiet location with minimal background noise. Participants must make reasonable efforts to prevent interruptions for the duration of their active participation in the hearing session, including silencing sources of noise (e.g., cellular telephones, computer notifications) and preventing in-person interruptions.

- (e) When actively participating, Participants must keep their camera and microphone on, unless instructed to do otherwise by the Panel Chair or the Panel Secretariat. The video feed should clearly show the face of the Participant presenting.
- (f) When asked questions, Participants should pause before answering to account for any lag in audio or video.

3. Technical Issues

- (a) If an active Participant loses their connection, then the Panel will pause the meeting until that person or person(s) can rejoin the public hearing. Alternatively, the Panel will adjourn the meeting until technical issues can be resolved.
- (b) In the event of an interruption in the video or audio feed **lasting greater than 5 minutes**, the Participant must immediately contact the Zoom Host by telephone at the number provided at the end of this document. The Participant may be required to rejoin the meeting by telephone as an interim measure, or reschedule their presentation.
- (c) The Panel will assess the need to adjourn on a case-by-case basis.

4. Presentation of Documents

- (a) Participants may use visual aids during their oral presentation (e.g. PowerPoint, maps, photographs, documents). Visual aids to be displayed by the Zoom Host must be provided to the Panel Secretariat via email (or by email to a file sharing site for any file that is larger than 10 MB) **7 days before** they are scheduled to present.
- (b) Participants may request a registry document to be displayed by the Zoom Host. Participants must provide the document unique CIAR number, document title and PDF page number to be displayed.

5. Private Communications

- (a) The Panel Secretariat will use the chat function to communicate administrative messages (e.g., next session starting times and the timing of breaks). Meeting participants should not use the chat function within Zoom for private conversations. Communications sent using the Zoom chat may be visible to all participants.
- (b) Participants must use an alternative means to have private conversations and share sensitive or confidential information.
- (c) The Panel will allow participants to caucus with other members of their group or department while giving their presentation. If participants need to caucus, they must




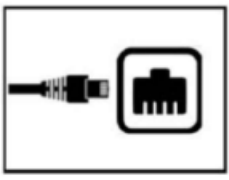
indicate this need to the Panel chair and then mute their microphones but leave their video feed on. Participants may caucus using the means/technology of their choice.

(d) Virtual breakout rooms can be used for groups.





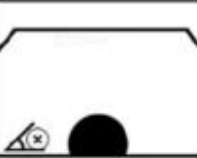






6. Caucusing

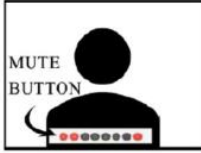
(a) The Panel will allow members of a group, organization, government department, and GenPGM to caucus with other members of their group when presenting or responding to questions. If Participants need to caucus, they must indicate this need to the Panel chair and then mute their microphones but leave their video feed on. Participants may caucus using the means/technology of their choice.

7. Best Practices

Prior To Your Online Appearance		
Common Issue(s) Internet Speed / Bandwidth	Sub-Optimal	Best
<p>Online hearings require an optimal highspeed internet connection to have both high-quality video and sound.</p> <p>You must check your internet’s connection “UPLOAD” ability.</p> <p><u>Upload</u> speeds of 10 Mbps or higher are generally considered adequate.</p> <p>You can find this information by going to websites like: https://speedtest.shaw.ca/ that will provide your upload speed.</p>	 < 10 =	 > +10 =
<p>Many modern routers can broadcast on both 2.4 and 5GHz bands. If you have the option, choose a connection method of 5GHz as it is designed for speed.</p> <p>A wired connection will always be the most stable and most likely to offer highest internal speeds available (internally) to your network.</p>		

(Desktop / Laptops)

Common Issue(s) Audio and Video	Poor	Better
Position yourself in the center of the visible screen (2-3 feet away).		
Avoid having bright light (of any kind) behind you.		
When using a laptop, elevate the device by 6 - 8 inches when placed in front of you. This way you are: <ul style="list-style-type: none"> • closer to the microphone AND less likely to pick up the sound of papers moving. • in a position to enable good camera angle with less view of ceiling. 		
Prior to joining the hearing, adjust your volume setting to 50% start. This can be adjusted later on once the meeting room has been stabilized by the clerk.		
If you find yourself in an area where you can't control the environment (background noise), there is a tendency to use headphones. By themselves, this does not improve the situation. Your microphone (connected to your laptop/computer) will still pick up background noise and can cause delays in court commencing. Recommended Remediation: Use a headset with a <u>fixed microphone</u> .	 	

Common Issue(s) Audio and Video	Poor	Better
<p>Know the location of your “mute” button on your device when appearing. When not speaking, it is appropriate to mute your device’s microphone (which minimizes background noise).</p>		
<p>Speakers tend to lean backwards (away from the laptop over time). Try to remain as stationary as possible. Not doing so can result in the last few words of a sentence not being clearly heard by other participants.</p>	