

**Ministry of Heritage, Sport,  
Tourism and Culture Industries**

Programs and Services Branch  
400 University Ave, 5th Flr  
Toronto, ON M7A 2R9  
Tel: 437.996.5218

**Ministère des Industries du Patrimoine,  
du Sport, du Tourisme et de la Culture**

Direction des programmes et des services  
400, av. University, 5e étage  
Toronto, ON M7A 2R9  
Tél: 437.996.5218



February 24, 2022

Email Only

Ms. Debra Sikora  
Panel Chair  
Marathon Joint Review Panel  
[marathonminereview-examenminemarathon@iaac-aeic.gc.ca](mailto:marathonminereview-examenminemarathon@iaac-aeic.gc.ca)

**MHSTCI File: 58EA026**  
**Proponent: Generation PGM Inc. (GenPGM)**  
**Subject: Public Hearing – Written Submission**  
**Project: Marathon Palladium Project**  
**Location: Marathon, Ontario**

Dear Ms. Sikora:

Thank you for your invitation to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) to participate in public hearings to support the Joint Review Panel's review of the Marathon Palladium Project.

We understand that the Panel is seeking Ontario government ministries' views and analyses of the proposed Project. This includes a technical assessment of its potential environmental effects, the proposed mitigation measures and follow-up programs. It also includes any other relevant information and recommendations related to a ministry's mandate and expertise.

MHSTCI will be participating in the public hearing scheduled for March 28, 2022 as part of the session on the topic of *'Human environment - Socio-economic effects, land and resource use'*.

Please find MHSTCI's written submission below, preparatory to the hearing. We will also be preparing a short presentation to support our appearance before the Panel.

MHSTCI will be represented at the public hearing by Laura Romeo, Heritage Planner (A), Heritage Planning Unit, who will present on the results of the ministry's technical review of the potential effects of the Project on cultural heritage resources.

We would be pleased to discuss or clarify any of our comments further and/or provide additional information or assistance, as required.

Please contact James Hamilton, Manager, Heritage Planning Unit at 416-212-7505 or [james.hamilton@ontario.ca](mailto:james.hamilton@ontario.ca) or Laura Romeo, Heritage Planner at 437-996-5218 or [laura.romeo@ontario.ca](mailto:laura.romeo@ontario.ca) if you have any questions.

Sincerely,

Gavin Downing  
A/Director, Programs and Services Branch  
Heritage, Tourism and Culture Division

c: Jason Patchell, Co-Panel Manager, Marathon Palladium Project  
James Hamilton, Manager, Heritage Planning Unit, MHSTCI

## Conservation of Cultural Heritage: The Legislative Framework

Under the *Impact Assessment Act* (IAA), physical and cultural heritage resources must be considered when undertaking a federal environmental assessment. Additionally, potential impacts to recreation and tourism should be identified and assessed, as they often fall under socio-economic conditions related to a project. It is important to note that there are other vehicles than the Act to help protect properties of cultural heritage value or interest. These consist of other federal, provincial, territorial and municipal policies and legislation.

The Province of Ontario's interest in protecting property of cultural heritage value or interest is reflected in provincial legislation and policy such as the *Planning Act*, the Provincial Policy Statement, the *Ontario Heritage Act* and the *Ontario Environmental Assessment Act*.

The *Ontario Heritage Act* (the "OHA") works with other legislation to create an integrated provincial framework for heritage conservation:

- The *Ontario Environmental Assessment Act* defines "environment" to include cultural conditions that influence human life. Cultural heritage resources are important components of those cultural conditions.
- The *Planning Act* states that "conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" is a matter of provincial interest.
- The Provincial Policy Statement (2020) includes specific provisions for the conservation of Ontario's cultural heritage.

Under the OHA real property of cultural heritage value or interest may include:

- Archaeological resources or areas of archaeological potential;
- Built heritage resources; and,
- Cultural heritage landscapes.

Part VI of the OHA provides for the licensing of archaeologists as well as the protection of archaeological resources. This part of the Act makes it illegal for anyone but a licensed archaeologist to knowingly disturb an archaeological site.

Licensed archaeologists are required to carry out their work in accordance with the *Standards and Guidelines for Consultant Archaeologists*, and to submit their archaeological assessment reports to MHSTCI for review. These reports are entered into the Ontario Public Register of Archaeological Assessments once MHSTCI deems the fieldwork and reporting to be consistent with the *Standards and Guidelines*.

## Environmental Assessment: Scope of MHSTCI Technical Review

MHSTCI'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, and to stimulate growth and investment in tourism, sport and recreational activities.

As a government review agency, MHSTCI reviews applications and associated technical studies, including those under an environmental assessment process to ensure compliance with the *Ontario Heritage Act*.

In the case of proposed projects that are subject to provincial or federal Environmental Assessment (EA), MHSTCI reviews and comments on the studies and commitments undertaken by proponents to identify, avoid and mitigate potential impacts on built heritage resources, cultural heritage landscapes, archaeological resources, areas of archaeological potential and tourism interests.

To meet its obligations related to the conservation of cultural heritage resources, including their identification, protection and wise management, the proponent retains qualified persons to prepare technical cultural heritage studies (e.g., archaeological assessments, cultural heritage evaluations, heritage impact assessments).

Qualified persons (such as licensed archaeologists and heritage consultants) are responsible for identifying potential impacts on cultural heritage resources and for making recommendations on how these impacts may be mitigated.

MHSTCI's role is not to identify potential impacts or to provide technical advice on how to mitigate impacts, but to ensure that these impacts and mitigations have been appropriately addressed through project documentation, including the necessary technical studies.

MHSTCI's review of these technical studies is supported by policies, directives, guides and best practice documents, including the "Reference Guide on Physical and Cultural Heritage Resources" prepared by the now Impact Assessment Agency of Canada. Drawing upon the Guide, the overall approach may be described as follows:

- *Identification of cultural heritage resources* – including both previously recognized and potential resources located on- and off-site that could be affected by the project. To do this, it is necessary to conduct a site survey or inspection to assess the potential for the presence of cultural heritage resources, then identify and evaluate them.
- *Identification and analysis of potential environmental effects* – namely, the potential effects of project construction and operation on cultural heritage resources.
- *Description of any proposed measures for mitigating any negative impacts.*
- *Follow-up program (or monitoring)* - verifying the accuracy of the EA and determining the effectiveness of any mitigation measures that have been implemented. If it is determined that the project is likely to cause effects on cultural heritage resources and that a follow-up program is needed, then monitoring the effects on the cultural heritage resources may be included in the follow-up program.

### **Marathon Palladium Project: Summary of MHSTCI Review**

MHSTCI has not identified any significant concerns with the project from a tourism perspective.

MHSTCI has reviewed the technical studies and documentation related to cultural heritage prepared by the Proponent, including the cultural heritage assessment and archaeological assessments.

A Cultural Heritage Updated Baseline Report was completed by Stantec Consulting Ltd. dated November 13, 2020. MHSTCI finds that the Report is consistent with the requirements, guidance and standards of a federal EA and with best practice guidance prepared by MHSTCI. The Report states that, based on the findings of the MHSTCI Checklist, no indicators for potential built heritage resources or cultural heritage resources were identified. The Report also states that these findings are consistent with the previously completed 2013 assessment and no

change to the previous conclusions presented are required as a result of this update. Therefore, there is low potential for built heritage resources or cultural heritage resources to be identified within the site study area. This being the case, no further assessment is required.

A Stage 1-2 archaeological assessment (AA) and a Stage 1-partial Stage 2 AA were undertaken in 2008 and 2009, respectively. The Stage 1-partial Stage 2 AA report identified the Hare Lake area as having archaeological potential and recommended further assessment be undertaken for that area prior to any ground disturbing activities, including mining activities. Both reports have been entered into the Ontario Public Register of Archaeological Reports

An archaeological site was identified in the Hare Lake area requiring further work (i.e., Stage 3 AA) if it were to be impacted by development activity. As well, additional areas of archaeological potential on the lake were identified but not tested. Therefore, a Stage 2 AA is required for the discharge pipeline project component area and other project components that may be located in that area. Further stages of archaeological assessment may be required, depending on the findings of the Stage 2. All archaeological fieldwork must be completed as early as possible during detailed design and prior to any ground disturbing activities. Archaeological fieldwork is to be completed by a licensed consultant archaeologist in compliance with the *Ontario Heritage Act*.

MHSTCI notes that there is no requirement under the *Ontario Heritage Act* to engage with Indigenous communities at these early stages of archaeological assessment. However, MHSTCI recommends early engagement as a best practice. Under the *Standards and Guidelines for Consultant Archaeologists* (MHSTCI, 2011), engagement by the licensed archaeologist is required at the end of Stage 3 archaeological assessment, if mitigation is required and the archaeological site is affiliated with any Indigenous Communities. There is no documentation that the licensed archaeologist engaged any Indigenous communities in 2008 or 2009. The archaeologist's obligation to engage with Indigenous communities is separate from any obligation of the proponent to engage or consult. Under the *Ontario Heritage Act* the engagement requirements apply to the licensed archaeologists and not the Proponent

Indigenous groups have identified the area as having high cultural value and provided information regarding contemporary use of the site for cultural purposes.

To conclude, MHSTCI finds that, under this EA process, the Proponent has carried out the appropriate investigations to identify cultural heritage resources and potential project impacts on them, and has provided sufficient documentation describing these potential impacts while identifying mitigation measures. The Proponent has committed to further archaeological assessments in the Hare Lake area and to take appropriate action in the case of encountering archaeological resources. There is no documentation indicating that the Proponent has shared the Stage 1 and 2 AA with Indigenous Communities. In the EIS Addendum, the Proponent discusses consultation with Indigenous Communities but does not explicitly state whether the Stage 1 and 2 AA has been shared with Indigenous Communities. . MHSTCI recommends the Stage 1 and 2 AA be shared with Indigenous Communities if this has not already been done.

## Laura Romeo - Statement of Qualifications

Laura Romeo has held the position of Heritage Planner in the Programs and Services Branch, Heritage, Tourism and Culture Division, Ministry of Heritage, Sport, Tourism and Culture Industries since August 2021.

The core responsibilities of the Heritage Planner position are to provide comments and advice on Environmental Assessment studies as part of the Government Review Team led by the Ministry of Environment, Conservation and Parks; to comment on submissions by municipalities under the *Planning Act* through the One Window Planning Service led by the Ministry of Municipal Affairs and Housing; and to comment on any other planning documents on which the provincial government has an approval or advisory role.

The primary purpose of these commenting and advisory services is to ensure alignment with the requirements of applicable legislation and policy, particularly as they relate to cultural heritage. For example, as a Heritage Planner, Laura reviews technical heritage studies such as Cultural Heritage Evaluation Reports and Heritage Impact Assessments. These studies are prepared by proponents as part of their heritage due diligence within the environmental assessment process. Laura reviews these studies for consistency with statutory and regulatory frameworks, ministry guidance and industry best practice.

In addition to these core functions, Laura also provides outreach services to stakeholders and partners, such as municipalities and conservation authorities, in the land-use planning system. These services include training on matters within Laura's area of responsibility. She also participates in the development of guidance materials prepared by the ministry to support the conservation of Ontario's cultural heritage resources.

Laura Romeo holds a Bachelor of Architectural Science from Ryerson University. Prior to joining the Ministry of Heritage, Sport, Tourism and Culture Industries, she worked for Metrolinx in the Environmental Programs and Assessment group for ten years. She was responsible for the management and delivery of large-scale provincial environmental assessments following the Transit Project Assessment Process. She also served as a Project Officer in the Environmental Assessment and Approvals Branch at the Ontario Ministry of the Environment (now the Ministry of Environment, Conservation and Parks), reviewing environmental assessments.

Laura Romeo authored the MHSTCI written submission to the Review Panel Secretariat of February 25, 2022. She will be delivering the MHSTCI presentation at the technical session of the Public Hearings for the Marathon Palladium project.