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Delivered via email: Marathonminereview-examenminemarathon@iaac-aeic.gc.ca

Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

Attn: Jason Patchell, A/Panel Manager

Dear Mr. Patchell:

RE: GenPGM Project – Internet Connectivity Issues

Pays Plat First Nation (“PPFN”) has consistently maintained that the community does not have reliable internet connectivity such that it is able to effectively participate in the remote Hearing.

Impact on Section 35 Rights

As you know, bandwidth is limited in PPFN. Band members have children in their houses trying to attend school remotely while fellow family members simultaneously attend work remotely, all of which weakens the ability of Band members to participate in a remote public hearing. This is further exacerbated by the fact that PPFN is located in a valley between two large hills and the local cell tower is not tall enough to deliver a strong signal in PPFN.

This culminates in a severe capacity issue for the effective participation of PPFN community members in the virtual hearing.

It is well established that section 35 of the *Constitution Act*, 1982 imposes limits on how land subject to a strong *prima facie* unextinguished Aboriginal Title claim is treated. The result

is to protect Aboriginal and treaty rights while also allowing the reconciliation of Aboriginal interests with those of broader society.

This protection pursuant to s. 35 encompasses the Aboriginal Right of PPFN members to hunt, fish, and gather in their traditional territory. It also encompasses the right of PPFN members to actively participate in the process of any projects which may impact their traditional territory, and communicate their legitimate concerns as a part of the ongoing consultation process.

The lack of a reliable and effective internet connection in PPFN means that many community members will not be able to express their views on the project's environmental effects, thereby making key components of the hearing inaccessible or unavailable. The result is a negative impact on the ability of PPFN community members in exercising their s.35 rights.

Specifically, this poses an accessibility issue for the general and topic specific sessions, where a subpar internet connection may result in members missing key information. For example, the sharing of visual aides alongside oral submissions on zoom generally requires participants to have internet bandwidth of 1.5 Mbps to be effective. Bandwidth less than that will result in an intermittent connection, preventing participants from accessing the full scope of the information presented.

Another issue arises with regard to the community session, where PPFN members will have the opportunity to actively share their legitimate concerns about the impact that the project will have on their traditional territory. Limited bandwidth and a poor internet connection means that effective communication may be inaccessible. This will prevent the Panel from being able to consider and respond to community issues or concerns.

Stopgap Measure – Mobile Internet Hubs

Unfortunately, these are systemic issues with very few readily available solutions.

Since the announcement of the Hearing on December 07, 2021, we have been canvassing long-term solutions with little to no progress. It appears there is a lack of willingness from telecommunications providers to assist, notably Bell Canada and Tbaytel. An extension of the Bell Canada fibre-optics or Tbaytel cell tower would eliminate this systemic capacity issue.

However, as a stopgap measure, we are pursuing Mobile Internet Hubs from Tbaytel as a method to encourage and assist Band Member participation at the Hearing. While this is not a perfect solution, it does address a number of our well-communicated concerns.

In the past both the Panel and IAAC expressed a willingness to facilitate the funding of this process. If this is still something that the Panel and IAAC are prepared to assist with, PPFN would enjoy the opportunity to discuss further so to ensure full community participation in all facets of the Hearing.

We look forward to your response.

Regards,

<Original signed by>

Chief & Council

CC: **Jason Boisvert**, Impact Assessment Agency of Canada