

Archived: Thursday, April 7, 2022 12:39:39 PM
From: [Alain Bartleman](#)
Sent: Thursday, April 7, 2022 12:36:17 PM
To: [Marathon Mine Review / Examen Mine Marathon \(IAAC/AEIC\)](#)
Cc: [Anthony Carfagnini](#) (<email address removed>); [David Nahwegahbow](#)
Subject: Re BNFN response to 1254
Sensitivity: Normal

Good afternoon,

Biigtigong Nishnaabeg is responding to Pays Plat First Nation's submissions on confidentiality (CIAR 1254).

Biigtigong Nishnaabeg has no objections to a Pays Plat First Nation community member providing his or her testimony to a selected representative of the proponent and the CCT. So doing avoids the harms contemplated by section 44(3) of CEEA, 2012 and the Amended Terms of Reference.

We are unclear, however, by what Pays Plat First Nations means by the term "in the requested in-camera session".

If Pays Plat First Nation requests that all of tomorrow's session be held in camera, Biigtigong Nishnaabeg must oppose Pays Plat First Nation's request. Pays Plat First Nation has not, Biigtigong Nishnaabeg respectfully suggests, articulated harms that could arise to either individuals (aside from the impacted member) or the environment from the information it wishes to present being made public. As noted by section 44(3), "a hearing by a review panel must be public unless the panel is satisfied after representations made by a witness that specific, direct and substantial harm would be caused to the witness or specific harm would be caused to the environment."

Biigtigong Nishnaabeg accordingly suggests that the Panel grant Pays Plat First Nation's, on the terms suggested by Pays Plat First Nation, for the portion of tomorrow's hearing that will deal with the impacted member. If Pays Plat First Nation so wishes, Biigtigong Nishnaabeg is prepared to sign a confidentiality undertaking regarding the remainder of Pays Plat First Nation's community session.

With Respect,

Alain Bartleman

Associate / Avocat

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