



***Via E-mail: MarathonMine.Review@ceaa-acee.gc.ca***

May 24, 2011

Marathon Platinum Group Metals and Copper Mine Project  
Canadian Environmental Assessment Agency  
160 Elgin Street, Ottawa, ON, K1A 0H3

Attention: Colette Spagnuolo, Panel Manager

Dear Ms. Spagnuolo;

***Re: Submissions on the Draft EIS Guidelines – Marathon PGM-CU Mine Project, CEAR # 10-05-54755***

On behalf of Environment North, I would like to thank you for the opportunity to submit the following comments on the Draft Guidelines for the Preparation of an Environmental Impact Statement for the Marathon PGM-CU Mine Project. These comments are informed by research undertaken on environmental assessments of other mining projects in Canada as well as ongoing research into the environmental performance of mining companies operating in Canada and internationally. They have also been informed by discussions with several other participants who received funding for this phase of the environmental assessment process.

Environment North is a non-profit, charitable organization, established in Thunder Bay in 1972. We strive to improve and protect the ecological sustainability and socio-economic well-being of Northwestern Ontario through leadership, research, partnerships, education, community advocacy, information and community capacity-building. We recognize that Environment North's specific actions and activities revolve around respect and shared responsibility for air, water and land, the essentials of all life. Environment North's 9 member Board consists of residents of the Thunder Bay region, and our membership is mainly comprised of individuals from across northern Ontario.

Environment North's involvement in the environmental assessment of the Marathon PGM-CU Mine Project is grounded in its desire to ensure that industrial development that occurs in Northwestern Ontario is undertaken in such a way that ecological integrity is maintained

Environment North's submissions are organized into two sections: general comments and recommendations which relate to the Draft EIS Guidelines and EA process generally, and specific comments and recommendations which apply to specific sections of the Draft EIS Guidelines document.

### **General Comments and Recommendations:**

Public participation is an essential component of environmental assessment and essentially the Canadian Environmental Assessment Agency facilitates this participation very well. However, during our participation in Phase 1 of the Marathon PGM-CU Mine Project review, we have observed a couple of things that we believe would assist in enhancing/enabling this public participation. For example, new participants to the EA process will likely want to look at what has occurred in previous assessments to help them determine what types of comments are made, how they are formatted, how they are incorporated into final documents and so on. There are a number of obstacles to this level of participation.

Firstly, a number of previous EAs have been removed from the registry and accessing the documents through the various government agencies proved to be difficult and in some cases impossible. Transparency of the process is essential to encourage public participation and the early archival of previous assessments and their associated documents decreases the level of transparency that would create confidence in participating in the process.

Secondly, the functioning of the registry is inconsistent and cumbersome. A number of times throughout our participation in this phase, the registry site was inaccessible. This prevented us from accessing key information in a timely fashion. We understand that there may be times when websites undergo maintenance and therefore become unavailable. However this should occur in the middle of the night, not during regular office hours. Alternatively, if there is scheduled maintenance that is to be done, perhaps some sort of notice could go up advising of this in advance. Also, the manner in which the information is stored for accessibility is cumbersome. For each document that one wishes to review, a separate pdf access page opens, then it has to be downloaded before it can be opened. It would be a much easier process if a click on the document in the registry list actually opened it right there. Perhaps an optional html link could be made available, as is standard on many other government websites.

And finally, when reviewing previous Draft EIS Guidelines and Final EIS Guidelines, we noted that in a number of cases the ordering of the document sections changed and in some cases significantly, making it difficult to see what had been changed. We would encourage the Agency to adopt a more consistent format for the Guidelines as we believe this would provide greater clarity for both the Proponents of projects and those members of the public who wish to participate in the process. Further, where changes between the draft and final documents have occurred, we note that it is unclear what decision-making process was undertaken to arrive at these changes. We suggest that for greater transparency, some sort of reporting mechanism by the Agency would be useful so that both the participants and the Proponent can know if their feedback was taken into account or not and why.

### **Specific Recommendations:**

#### **Recommendation #1**

##### **1.2.1 Environmental Assessment as a Planning Tool (p. 3)**

The Draft EIS Guidelines correctly describe environmental assessment as a planning tool used by decision-makers “to ensure that projects are considered in a careful and precautionary manner in order to avoid or mitigate the possible adverse effects of development on the environment and to encourage decision-makers to take actions that **promote sustainable development and thereby achieve or maintain a healthy environment, healthy communities and a healthy economy.**” (my emphasis).

Unfortunately, the Guidelines fall short of requiring an assessment that truly integrates sustainable development into the guiding principles of the EA. Because the Marathon PGM-CU Mine Project has an anticipated life span of only 11.5 years (or approximately ½ a generation), evaluating the project's contribution to sustainability is essential, to ensure that the affected natural and human communities continue to enjoy lasting benefits beyond the Project's lifetime. With this in mind, we recommend the following amendments:

The EA of this Project shall, in a manner consistent with those purposes:

- Consider and evaluate alternatives;
- Document consultation activities;
- Identify the Project's possible environmental effects (including natural, social and economic);
- Propose measures to avoid or mitigate adverse effects;
- Predict whether there will be likely significant adverse environmental effects after mitigation measures are implemented; and
- Identify the Project's contribution to environmental, socio-economic and cultural sustainability.

### **Recommendation #2**

#### **Section 1.2.3 Sustainable Development (p. 4-5)**

Mining, by its very nature, is an unsustainable activity. However, it is recognized that mining operations can contribute to sustainable development if there are mechanisms in place to ensure that adverse environmental impacts are avoided or mitigated and if there are lasting benefits to communities beyond the life of the mine. In order to do this, the EIS Guidelines should provide some guidance to the Proponent to develop sustainability-based criteria and for the Panel and public participants to evaluate the Project and its alternatives based on these criteria. The Mackenzie Gas Project EIS Terms of Reference contain a section entitled *Contribution to Sustainability* (see p. 3-4 of the Final EIS Terms of Reference for the Mackenzie Gas Project) which is instructive in this case. Environment North encourages the CEAA to incorporate the content of the *Contribution to Sustainability* section from the Mackenzie Gas Project EIS Terms of Reference into the Marathon PGM-CU Project EIS Guidelines.

### **Recommendation #3**

#### **Section 1.2.4 Precautionary Approach (p. 5)**

For clarity, Environment North suggests the following additions:

The Proponent shall indicate how the precautionary principle was applied or considered in the design of the Project in at least the following ways: ...

Also, add the following to the list:

- Evaluate alternative means of carrying out the Project and compare in light of risk avoidance, ~~and~~ adaptive management capacity and unforeseen events;
- In designing and operating the Project, demonstrate that priority has been and will be given to strategies that avoid the creation of adverse effects;
- That control of deleterious outputs or other potentially damaging activity goes beyond current emission standards where warranted by the potential adverse environmental effects;
- That monitoring programs are designed to ensure rapid response and correction where adverse effects are detected; and

- That liability and insurance regimes are established that hold the Proponent and its contractors accountable for adverse effects and associated damages, and their limitation and control, throughout the life of the Project, including its decommissioning and abandonment.

#### **Recommendation #4**

##### **Section 2.1.1: The Proponent (p. 10)**

We request that the following be added under the paragraph beginning “The EIS will provide information on the nature of the Proponent’s management structure and organizational accountability for:

- The management of potential adverse effects; and
- The degree of success in applying mitigation measures to existing mining operations.

#### **Recommendation #5**

##### **Section 2.1.2 Legal Framework and Role of Government (p. 11-12)**

Add: Lake Superior Lakewide Management Plan to the list of International/Domestic Agreements.

#### **Recommendation #6**

##### **Section 2.3.4 Valued Ecosystem Components (p. 22)**

Environment North recommends that Lake Superior and the Lake Superior Watershed be included as a valued ecosystem component.

#### **Recommendation #7**

##### **Section 2.3.6 Temporal Boundaries (p. 24)**

Cumulative environmental effects assessment requires an understanding of the degree to which an ecosystem has been impacted or changed by human activities. Thus, simply asking the Proponent to provide a description of the “current baseline environment and environmental trends within the study area” does not provide adequate information to properly assess the anticipated impacts of this project on the area. Environment North requests that the following amendment be made to the second paragraph of section 2.3.6 in order to provide better data:

In characterizing the environmental effects of the Project, the Proponent shall consider the historic and current baseline environment and environmental trends within the study area and identify where any trends may reasonably be assumed to be caused by natural variation.

#### **Recommendation #8**

##### **Section 2.4. Project Alternatives (p. 25-26)**

With respect to Project Alternatives, Environment North submits the following general comments to be applied, as appropriate, throughout this chapter.

Although the *Canadian Environmental Assessment Act* provides for consideration of measures that are “technically and economically feasible”, Environment North requests that a broader interpretation of alternatives assessment be considered in order to properly assess the Proponent’s preferred alternative(s). For example, the Voisey’s Bay Panel recommended that the Proponent extend the life of the open pit operation by reducing the annual production rate. Given that the anticipated life of the Marathon PGM-CU Mine Project is a short 11.5 years, a discussion of a similar alternative would be useful even if the alternative is not economically feasible in the view of the Proponent. An assessment

of such an alternative in this and other mining projects would reinforce the Act's purpose of promoting sustainable development.

A second consideration with respect to the interpretation of the phrase "technically and economically feasible" is that these terms are changeable over time, as is demonstrated by the Taseko Mines Ltd. Prosperity Gold-Copper Mine Project. Shortly after the federal government's announcement to reject the proposal because "the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances" (<http://www.ceaa.gc.ca/052/details-eng.cfm?pid=44811#decision>), the Proponent announced that, due to the increased value of copper and gold, options that were not economically feasible at the outset of the project review could now be considered. They have since indicated that they intend to re-submit a project proposal based on the new economic reality. Had the Proponent been required to consider alternatives in their EIS that were less economically feasible, they may have had a different outcome. At a minimum, they would have allowed for this alternative to be evaluated earlier, rather than by initiating another perhaps lengthy and costly environmental assessment process.

In light of the above two observations, Environment North recommends that the Proponent be required when considering alternatives, if there are alternatives that are technically but not economically feasible, that at minimum the least costly of the alternatives be described. Further, a discussion of the beneficial and adverse impacts of alternatives that would extend the life of the mine (including a reduced annual production rate) should be incorporated.

#### **Recommendation #9**

##### **Section 2.6.2.4 Human Health (p. 42)**

In order to ensure a comprehensive overview of the current health profile of communities likely to be affected by the Project, Environment North recommends adding the following to the first paragraph:

The EIS must examine the aspects of human health that are defined by the World Health Organization, and include consideration of physical health and well-being and associated emotional, social, cultural and economic aspects.

#### **Recommendation #10**

##### **Section 2.7 Impact Assessment (p. 66-67)**

The Project description (Section 2.2.3, p. 14) lists the phases of the mine operation, being site preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) and throughout the Guidelines, the Proponent is instructed to consider these phases. However, there are a number of sections where it is unclear that all phases should be considered. For example, although section 2.7.1.1 (Effects Prediction, p. 45) instructs the proponent to consider the "[p]otential effects from all components of the Project included in the scope of the Project, and all Project phases", at the point where the Proponent is to discuss the Effects on Resource Uses (section 2.7.3.3), not all the phases are listed for consideration for each resource use. For clarity Environment North recommends adding the project phases, as outlined in the Project description, to the discussion of the impacts on each resource use. In particular, we recommend the following:

The EIS will assess the potential effects of the Project, including both onsite and offsite components, on other regional economic activities identified, such as forestry, recreation and tourism and agriculture. The EIS will provide relevant data to identify effects of the site

preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) of the Project on current and forecasted land uses in the region for proposed monitoring, mitigation and compensation measures.

The EIS will also identify all land tenures and land uses potentially affected by Project's ~~development~~ site preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) and will accurately delineate the boundaries of mineral claims...

With respect to fishing, the EIS will provide an assessment of the effects of the Project ~~development~~ site preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) on the commercial and/or recreational lake and stream fisheries...

With respect to outdoor recreation and tourism, the EIS will provide an assessment of the effects of the Project's site preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) on these activities. In addition, the EIS will: ...

With respect to hunting, trapping and guiding, the EIS will provide an assessment of the effects of the Project's site preparation, construction, operation, modification, decommissioning (closure) and abandonment (post-closure) on these activities. In addition, the EIS will: ...

With respect to forestry, the EIS will identify the effect of the Project footprint on the forestry values and targets identified in regional and local resource management plans for the Project area. The assessment will identify how Project development, operation, closure and post-closure will affect...

With respect to agriculture, the EIS will include an agricultural assessment completed to identify how Project development, operation ~~and~~ closure and post-closure could potentially affect both current and future agricultural resources and activities.

Once again, thank you for the opportunity to provide our comments on the Draft Guidelines for the Preparation of an Environmental Impact Statement for the Marathon PGM-CU Mine Project.

Sincerely,



Charlene Rogers  
President  
Environment North