

**PROPOSED AMENDMENTS TO THE CONDITIONS OF THE
HARMONIZATION ORDER FOR THE MARATHON PALLADIUM PROJECT:
CONSOLIDATION OF CONDITIONS SHOWING FIRST SET OF PROPOSED
AMENDMENTS**

For Information Purposes Only

The following shows the first set of proposed amendments to the conditions of the Harmonization Order, if the proposed Amending Order is made. Underlined text shows proposed additions; struck text shows proposed deletions. These proposed amendments would come into force immediately following the signing of the proposed Amending Order.

1. The following requirements of the Act have been varied in order to facilitate the effective operation of the requirements of both jurisdictions, and shall apply to the Project:
 - (a) Section 1 is varied to delete the definition to "Tribunal" and substitute "Joint Review Panel" means a body established by the federal Minister of Environment and Climate Change which meets the requirements of the Canadian Environmental Assessment Act, 2012 and the Ontario Environmental Assessment Act, the members of which are appointed by the federal Minister of Environment and Climate Change, based on the recommendations of both the Agency, on behalf of Canada, and the Minister of the Environment, Conservation and Parks, on behalf of Ontario. ~~a body established by the federal Minister of the Environment which meets the requirements of the Canadian Environmental Assessment Act and the Ontario Environmental Assessment Act, the members of which are appointed by the federal Minister of the Environment, based on the recommendations of both the Agency, on behalf of Canada, and the Ministry of the Environment, on behalf of Ontario.~~ Section 1 is also varied to substitute "Project" for the word "undertaking" and to add a new definition for "Joint Review Panel's Report" means the report produced by the Joint Review Panel, which contains the Joint Panel's rationale, conclusions and recommendations to the provincial Minister of the Environment, Conservation and Parks and the federal Minister of Environment and Climate Change, with respect to the environmental assessment of the Project. This report will serve as recommendations to both the provincial Minister of the Environment, Conservation and Parks and the federal Minister of Environment and Climate Change. ~~the report produced by the Joint Review Panel, which contains the Joint Review Panel's rationale, conclusions and recommendations, with respect to the environmental assessment of the project. This report will serve as recommendations to both the provincial Minister of the Environment and the federal Minister of the Environment.~~
 - (b) ~~Subsections 5(3) and 5(4) and 11.4 (1) are varied to remove reference to "the Tribunal", with any necessary modifications.~~
 - (b) Subsections 5 (3) and 5 (4) are varied by replacing the references to "an

undertaking” with “the Project” and by deleting the references to “the Tribunal”, with any necessary modifications.

(b.1) Subsection 5 (5) is varied by replacing “an undertaking” with “the Project”.

(b.2) Subsection 11.4 (1) is varied by replacing the reference to “an application” with “the Joint Review Panel’s Report”, by replacing the reference to “an undertaking” with “the Project” and by deleting the reference to “the Tribunal”, with any necessary modifications.

(b.3) Subsection 11.4 (3.1) is varied by replacing the references to “the undertaking” with “the Project” and by deleting the reference to “the Tribunal”, with any necessary modifications.

(b.4) Subsection 11.4 (4) is varied by deleting the reference to “the Tribunal”, with any necessary modifications.

(c) Section 34, subsection 35 (b) and section 37.1 are varied to remove reference to "the Tribunal" and replace it with "the Joint Review Panel", with any necessary modifications.

(d) Section 9(1) to (4) has been varied as follows:

9. (1) The Minister, with the approval of the Lieutenant Governor in Council, may:

(a) Give approval to proceed with the Project in accordance with the Joint Review Panel Report

(b) Give approval to proceed with the Project subject to such conditions as the Minister considers necessary and in particular requiring or specifying:

(i) The methods and phasing of the carrying out of the Project,

(ii) The works or actions to prevent, mitigate or remedy effects of the Project on the environment,

(iii) Such research, investigations, studies and monitoring programs related to the Project and reports thereof, as the Minister considers necessary,

(iv) Such changes in the Project the Minister considers necessary,

(iv.1) A process to be followed in respect of any changes to the Project that the proponent may wish to make after the approval is given, which process may include granting authority to the Director or Minister to,

____ (A) require the proponent to engage in additional consultation, and
____ to provide additional information, in respect of proposed changes,
____ and

____ (B) give approval, attach conditions to the approval or refuse to
____ give approval to proceed with the changes,

(iv.2) That the process referred to in subclause (iv.1) is only available for specified changes or classes of changes to the Project,

(v) That the proponent enter into one or more agreements related to the Project with any person with respect to such matters as the Minister considers necessary,

1. That the proponent complies with all or any of the provisions of the Joint Review Panel Report that may be incorporated by reference in the approval,
2. The period of time during which the Project or any part thereof shall be commenced or carried out; or

ii. Refuse to give approval to proceed with the Project

9. (1.1) A process mentioned in subclause (1) (b) (iv.1) may be set out in an approval or incorporated by reference into an approval.

9. (2) The Minister shall consider the following matters when making the decision:

- (a) The purpose of the Act;
- (b) The Joint Review Panel's Report; and
- (c) Such other matters as the Minister considers relevant to his or her decision.

9. (3) The Minister shall notify the proponent of his or her decision and shall give the proponent written reasons for it.

9. (4) The Minister shall also provide a copy of the decision to the federal Minister of the Environment and shall provide notice to participants of the Joint Review Panel process that the decision is available and published on the public registry.

2. Except for the requirements of the Act as varied above, and the following requirements: Part I of the Act, ~~subsections 11.4(1), 11.4(4) and 11.4(5)~~, sections 12 and 12.2., Part IV, sections 28, 31, 31.1, and 32, subsection 35 (a), ~~sections 36, 37, 37.2 and 38,~~ sections 36, 37, 37.2, 38 and 38.1 and Part VI of the Act; the remaining sections of the Act are dispensed with for the purposes of this order.

[END]