

GENERATIONPGM

December 30, 2021

Via E-Mail

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

Attention: Debra Sikora
Panel Chair, Marathon Palladium Project

Dear Ms. Sikora:

**Re: Generation PGM ("GenPGM") Marathon Palladium Project ("Project")
Response to Requests for Additional Time for Written Submissions**

This is GenPGM's response to letters filed by Environment and Climate Change Canada ("**ECCC**") (Reference No. 969), Parks Canada (Reference No. 967), and the Crown Consultation Team (Reference No. 968). The three letters request extensions of the January 31, 2022 deadline prescribed by the Joint Review Panel (the "**JRP**" or the "**Panel**") for written submissions.

The Panel's Hearing Procedures (Reference No. 956) require that all written submissions be sent the Panel Secretariat by January 31, 2022, which is 15 calendar days prior to the start of the public hearing on February 15, 2022. The Panel confirmed that this written submission deadline is necessary so that the Panel and all participants may consider written submissions reasonably in advance of the start of the hearing process.

If these requests are granted, the written submissions would be provided as little as one day prior to the February 15, 2022 start of the public hearing for the Project. GenPGM submits that extensions to the written submission deadlines should not be granted by the Panel because the extensions are unnecessary based on GenPGM's commitment to file its additional caribou-related information by January 7, 2022 and because the extensions would lead to procedural unfairness and prejudice to other participants.

ECCC and Parks Canada

As it stands, ECCC and Parks Canada have 17 calendar days to review GenPGM's additional information regarding caribou requested by the JRP in the Notice of Sufficiency of Information (Reference No. 955) and the Panel and all participants have 14 calendar days to review ECCC and Parks Canada's January 31, 2022 written submissions. ECCC and Parks Canada request 30 days from GenPGM's deadline of January 14, 2022 to review and respond to the additional information, which would result in ECCC and Parks Canada filing their written submissions as late as February 14, 2022. Granting this request would leave the Panel and all participants with

as little as one day to review ECCC and Parks Canada's written submissions prior to the February 15, 2022 commencement of the public hearing. If these written submissions are filed late on February 14, 2022 and the public hearing commences the morning of February 15, 2022 other participants may have no time during regular business hours for review.

GenPGM respects that ECCC and Parks Canada wish to have sufficient time to review GenPGM's forthcoming submissions related to caribou. As a result, GenPGM voluntarily commits to filing its additional information regarding caribou as soon as possible and no later than January 7, 2022 (prior to the JRP's January 14, 2022 deadline).

This solution ensures that ECCC and Parks Canada have 24 days to review GenPGM's additional caribou information and that the Panel and all participants will have 14 calendar days to review ECCC and Parks Canada's written submissions, consistent with the Hearing Procedures.

Crown Consultation Team

The letter from the Crown Consultation Team provides that the collaboration workplan allows time for Indigenous groups that have actively participated in consultation on the Project to review a draft of its written submissions prior to filing with the JRP.

GenPGM agrees that Indigenous groups should have a reasonable opportunity to review the materials prepared by the Crown Consultation Team before they are finalized and filed. However, the Crown Consultation Team has known about the written submission deadlines for over two weeks, since the hearing procedures were published on December 7, 2021 (Reference No. 956). The Crown Consultation Team has not specified why their workplan is unable to accommodate a review by Indigenous groups in an eight-week period (i.e. before the January 31, 2022 deadline).

In particular, the Crown Consultation Team did not indicate when they intend to provide their draft submissions to Indigenous groups for review. For example, a draft could be provided to Indigenous groups after the holiday break on January 4, 2022 which would still allow 27 days for comments and integration into the Crown Consultation Team's final submissions, while adhering to the January 31, 2022 deadline.

The Crown Consultation Team will have adequate time to consult with its technical experts, without extending the filing deadline. As mentioned above, GenPGM commits to filing additional caribou information by January 7, 2022 which will allow for 24 days of review. As noted in GenPGM's letter dated November 26, 2021 (Reference No. 953), an updated draft of the Fish Habitat Compensation and Offsetting Plan is already on the record (Reference No. 727). GenPGM is actively engaging with government agencies regarding its Fish Habitat Compensation and Offsetting Plan, including meetings on December 7 and 17, 2021 for which meeting summaries were publicly filed (Reference Nos. 964 and 965). While GenPGM has committed to updating its draft the Fish Habitat Compensation and Offsetting Plan by January 14, 2022 GenPGM submits that the information already available on the record and ongoing engagement will allow experts to adequately review the update in the 17 days provided before the January 31, 2022 deadline.

Granting the Extensions would be Procedurally Unfair

GenPGM expects that the submissions from ECCC, Parks Canada, and the Crown Consultation Team will be extensive and relevant to the Panel and many participants. Filing substantial materials as little as one day prior to the public hearing would deprive not only GenPGM, but also the Panel, Indigenous groups, and other participants of a reasonable period to review these materials. Granting the extension requests would also result in prejudice to GenPGM as its experts would have little to no time to review the written submissions and formulate responses prior to the scheduled commencement of the public hearing.

Based on the foregoing, GenPGM respectfully requests that the JRP deny the requests to extend the January 31, 2022 written submission deadline.

Yours truly,

GENERATION PGM INC.

<Original signed by>

Jeremy Dart
Environmental Manager