

January 10, 2022

By email only

Chief David Mushquash
Pays Plat First Nation

Subject: Pays Plat First Nation Participation at the Public Hearing for the Marathon Palladium Project

Dear Chief David Mushquash,

The Joint Review Panel (the Panel) established to review the Marathon Palladium Project (the Project) would like to thank Pays Plat First Nation (PPFN) for the letter sent on January 4, 2022.

In your letter, you express concerns with the start date and procedures for the public hearing, issues with capacity due to the unprecedented COVID-19 situation, concurrent demands on counsel, and challenges with PPFN participating in a virtual public hearing. In light of these circumstances, you requested that the public hearing be postponed until July or August 2022.

The Panel appreciates the concerns you have raised related to the timelines for the assessment and the virtual nature of the public hearing. However, the Panel has a statutorily-limited amount of time to conduct an assessment and submit its final report in accordance with its Terms of Reference and cannot accommodate an adjournment of 5-6 months. As you know, in response to the current surge of the Omicron variant, the Panel has decided to change the start date of the public hearing to **March 14, 2022**. The deadline for written submissions is now **February 25, 2022**. Please see the attached table which provides an update of the key dates.

The Panel believes that this start date is reasonable and procedurally fair to all participants in the assessment process. The revised start date further increases the amount of time from the notice of hearing to the start of the hearing to 97 days, and the amount of time from the notice of hearing to the deadline for the receipt of written submissions to 80 days.

In response to the public health situation, the Panel announced a virtual public hearing. The Panel understands that PPFN would find participating in a virtual public hearing challenging. Unfortunately, given the current state of the Covid pandemic, in particular the surge of the Omicron variant, an in-person hearing is not feasible. As stated in our December 17, 2021 invitation, the Panel welcomes any suggestions you may have to facilitate participation in the hearing.

With respect to your stated concern about the availability of legal counsel, the Panel wishes to remind PPFN that the public hearing will not be bound by the rules of procedure and evidence applicable to judicial proceedings. The Panel encourages groups and individuals to speak on their own behalf and ask

their own questions at the public hearing. Representation by legal counsel is not necessary and swearing in of witnesses will not take place. PPFN may still choose to be represented by legal counsel, if it wishes to do so, but the Panel cannot further delay the commencement of the hearing to accommodate the schedule of one party's legal counsel.

With respect to the registration requirements, the Panel acknowledges that PPFN intends to participate in all aspects of the hearings, as expressed in your letter. Registration can be done in advance on behalf of PPFN generally, and community members can decide whether they want to participate on the scheduled date(s).

The Panel sincerely hopes that the revised start date for the hearings will help PPFN to participate in the public hearings.

If you have any questions in the meantime, please contact Jason Patchell, Acting co-Panel Manager at marathonminereview-examenminemarathon@iaac-aeic.gc.ca.

Sincerely,

<Original signed by>

Debra Sikora

Chair, Joint Review Panel

CC: Jason Boisvert

Table of Key Dates

Date	Activity
December 7	Hearing notice issued
January 14	Deadline for GenPGM to submit information requested in CIAR #955
February 12	Deadline for registering for the public hearing
February 25	Deadline for submitting written submissions
March 14	Start of the public hearing