

GENERATIONPGM

April 12, 2022

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)
Closing Remarks Extension – Process Clarifications**

GenPGM makes this submission by way of follow-up to previous procedural rulings from the Panel. Specifically, GenPGM requests (1) clarification about the timing for submission of closing remarks from other Participants (Participant Closing Remarks); and (2) confirmation from the Panel that its Decision on the “Request for an Extension to Undertaking 31 Deadline and Closing Remarks” (Extension Decision) only extends the statutory timeline for the public hearing process by a maximum of four weeks.

Background

On April 8, 2022, the Panel issued the Extension Decision (CIAR #[1266](#)). The Extension Decision accepted the joint submission of GenPGM and Biigtigong Nishnabeeg First Nation (Biigtigong Nishnaabeg) for additional time to prepare and file GenPGM’s response to Undertaking 31.

The Extension Decision also “reschedule[d] the date for oral closing remarks, to that date which is no later than one week following submission by GenPGM of its response to Undertaking 31.” Accordingly, if the response to Undertaking 31 is filed on May 12, 2022, Participant Closing Remarks would be due no later than May 19, 2022 (New Closing Date).

Clarification Request

Further to the Extension Decision, GenPGM requests that the Panel provide clarification regarding the time when written Closing Remarks from Participants will be due on the New Closing Date. Clarification on this point would provide helpful guidance for Participants and ensure that GenPGM has sufficient time to prepare its oral reply to Participant Closing Remarks.

On April 4, GenPGM confirmed that it would be providing written closing remarks and requested clarification on the process for GenPGM to respond orally to Participant closing remarks (CIAR #[1229](#) PDF 12-13). In response, the Panel confirmed three points:

1. Participant closing remarks would be due “no later than the last date of the public hearing ... currently scheduled for April the 13” (CIAR #[1229](#) PDF 10);
2. GenPGM’s written closing remarks are due at 9:00 AM on April 13 (CIAR #[1229](#) PDF 242); and
3. GenPGM may orally respond to Participant closing remarks after they have been filed or heard (CIAR #[1229](#) PDF 242).

In light of the Extension Decision, the reference to April 13 above has changed to the New Closing Date. GenPGM requests that the Panel clarify what time Participants’ written Closing Remarks are due on that date.

In order to properly respond to Participant Closing Remarks, GenPGM will need time to review and consider the submissions. Accordingly, GenPGM respectfully requests that:

1. Participants’ written Closing Remarks be due by no later than 5:00 PM EST on the New Closing Date; and
2. GenPGM be scheduled to present its reply Closing Remarks at 2:00 PM EST on the date following the New Closing Date.

GenPGM is also open to a process that allows it to provide written reply closing remarks in lieu of oral reply closing remarks.

Impact of the Extension Decision on the Hearing Clock

GenPGM also requests that the Panel confirm that the Extension Decision only extends the statutory timeline or the public hearing process by a maximum of four weeks.


GenPGM’s interpretation of the Extension Decision is that the hearing clock will only be paused for the four-week extension which GenPGM and Biigtigong Nishnaabeg jointly requested to prepare the response to Undertaking 31: i.e., April 15 to May 12, 2022 (or earlier if the response to Undertaking 31 is filed before May 12, 2022).

GenPGM further understands that the hearing clock will not be stopped between April 9 and 14, 2022, or for the week after GenPGM files the response to Undertaking 31 (i.e. May 13 to 19, 2022 if Undertaking 31 is filed on May 12, 2022). This interpretation is supported by the Panel’s conclusions below in the Extension Decision that it will not extend the length of time to complete its report, outside of the four weeks requested by GenPGM and Biigtigong Nishnaabeg:

<p>The statutory timeline for the issuance of a Decision Statement in respect of the environmental assessment of the Marathon project will be paused from April 14, 2022 to when GenPGM’s Undertaking 31 filing is made, pursuant to section 54(6) of the Canadian Environmental Assessment Act, 2012 (CEAA 2012). In other words, the</p>	<p>The Panel invited comments from participants on GenPGM and BNFN’s request. In addition, given the potential significance of the response to Undertaking 31, the Panel stated that it was considering deferring closing remarks until after GenPGM submits its response to Undertaking 31. The Panel explained that, as noted by GenPGM, the</p>
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<p>Panel's deadline for completing its Report and Recommendations will be extended by the length of time it takes GenPGM to file the response to Undertaking 31. [Emphasis Added]</p>	<p>clock will be stopped during the time it takes for GenPGM to prepare and submit its response to Undertaking 31, so deferring closing remarks should not result in material delay to the process. [Emphasis added.]</p>
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In summary, GenPGM respectfully requests that that the Panel clarify the timing for submission of Participant Closing Remarks and confirm that the Extension Decision only extends the statutory timeline for the public hearing process by a maximum of four weeks.

Yours Truly, 

<Original signed by>

GENPGM INC.
Jeremy Dart
Environmental Manager