

April 21, 2022

By email only

Re: Ministry of the Environment, Conservation and Parks' (MECP) April 7, 2022 letter

Dear Jeremy Dart,

On April 19, 2022 Generation PGM (GenPGM) wrote to the Joint Review Panel (Panel) regarding the Ministry of the Environment, Conservation and Parks' (MECP) April 7, 2022 comments on GenPGM's responses to caribou-related Undertakings (CIAR #[1274](#)).

GenPGM stated that permitting written submissions between the conclusion of the public hearing sessions on April 9, 2022 and prior to closing remarks would be prejudicial to GenPGM, as GenPGM would be required to respond outside of the Panel's process. GenPGM was of the view that the submissions in the MECP Letter are more appropriate for closing remarks.

The Panel reminds GenPGM and participants that although no further hearing sessions are scheduled, the record of the hearing remains open and will not be closed until the completion of closing remarks. Therefore, the public hearing process has not concluded contrary to what is suggested by GenPGM. However, because no further hearings are scheduled, the Panel expects that any further submissions provided to the Panel will be in the nature of closing remarks and will not include new information. As per paragraph 9(g) of the Public Hearing Procedures, a participant may choose to submit written closing remarks instead of making oral remarks. Written closing remarks can be submitted any time between now and the last day of the hearing.

In relation to the MECP comments, the Panel rules as follows. In the Panel's request for caribou-related Undertakings (CIAR #[1180](#)), it was noted that it is in the best interests of all participants, including GenPGM, that the Panel have the best information possible on relevant subjects such as Project effects on listed species under the *Species at Risk Act*. Regardless of whether the MECP comments are characterized as further submissions or closing remarks, the Panel believes that allowing the MECP letter to form part of the record will contribute to having a better understanding of the Project's effects on the Lake Superior Woodland Caribou herd. Further, GenPGM along with other participants may address the MECP letter in their closing remarks, so there is no prejudice to GenPGM.

Thank you for raising this matter and if you have any questions or concerns, please contact Jason Patchell, Acting Panel Manager at marathonminereview-examenminemarathon@iaac-aeic.gc.ca.

Sincerely,

<Original signed by>

Debra Sikora,
Panel Chair