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September 17, 2026

SENT VIA EMAIL

Elizabeth Miller
Vice President Environment and Social Responsibility
Seabridge Gold
1330 Main Street, P.O. Box 2536
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Elizabeth@seabridgegold.com

Dear Elizabeth Miller:

Thank you for your correspondence dated September 10, 2026, in which Seabridge Gold submitted the report titled *KSM PROJECT—Construction Update In Support of a Substantial Start Determination January 1, 2024 - July 28, 2026* (Seabridge Gold's Report). The EAO accepts this report as part of the information that will be used to inform the Environmental Assessment Office's (EAO) substantial start reconsideration process following the Supreme Court of British Columbia's decision in *Tsetsaut Skii Km Lax Ha Nation v. British Columbia*, 2026 BCSC 1042.

The Supreme Court of British Columbia ordered a 90-day consultation period for the Crown to consult with Tsetsaut Skii Km Lax Ha Nation (TSKLH), which the EAO initiated on June 30, 2026, and which concludes on September 28, 2026. During the consultation period, TSKLH has the opportunity to provide additional written submissions addressing the question of whether the KSM Project was substantially started by the applicable date. The EAO has provided Seabridge Gold's Report to TSKLH, and to the other First Nations involved in the original substantial start determination process, so that they have the opportunity to respond to the information provided in Seabridge Gold's Report within the consultation period.

...2

Following the conclusion of the consultation period – at 90 days or, if agreed-upon between the EAO and TSKLH, shortly thereafter – the EAO will provide Seabridge Gold with an opportunity to respond to the submissions. For awareness, the EAO and TSKLH have also arranged to meet to discuss any submissions by TSKLH in mid-October. The EAO will then draft a report regarding the substantial start reconsideration in light of the court findings and any relevant new information received. An opportunity to review that draft report will be provided to Seabridge, TSKLH, and other First Nations. The EAO will then make a recommendation to the decision-maker and the decision-maker will reconsider the substantial start determination.

The EAO recognizes the importance of a timely decision for Seabridge Gold and will strive to complete the process as efficiently as possible, while fulfilling its duty to consult and ensuring that any decision is transparent, well-informed, and durable.

Kind regards,



Katherine St. James
Acting Executive Project Director

cc:

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