

May 22, 2012

Secretary to the Joint Review Panel
Enbridge Northern Gateway Project
444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

Via electronic filing
Original via regular mail

Dear Sir/Madam:

**Re: Enbridge Northern Gateway Project
Hearing Order OH-04-2011
File No. OF-Fac-Oil-N304-2010-01 01
Procedural Conference**

This letter is written on behalf of the Living Oceans Society, Raincoast Conservation Foundation and ForestEthicsAdvocacy (the “Sustainability Coalition” or “Coalition”) in response to the Joint Review Panel’s notice dated May 9, 2012 with respect to the Procedural Conference to be held on May 30, 2012.

The Sustainability Coalition’s comments with respect to the notice, numbered to correspond to the notice, are as follows:

1. Barry Robinson (Staff Lawyer, Ecojustice) will participate in the procedural conference in person in behalf of the Coalition. Tim Leadem (Staff Lawyer, Ecojustice) will participate remotely by telephone.
2. The Coalition recommends that the Panel consider adding a fourth hearing location in Vancouver. The Coalition notes that, logistically, many of the witnesses and counsel that would appear in Prince Rupert would travel through Vancouver. If the vast majority of the witnesses and counsel to appear on any given issue will be required to travel from or through Vancouver, the Coalition recommends that the issue be heard in Vancouver to reduce travel costs and related greenhouse gas emissions.

However, the Coalition is sensitive to the needs of local intervenors in the Prince Rupert area and would ask that the Panel use its discretion in allocating topics to be heard in Prince Rupert and Vancouver.

3. The Coalition recommends that the Panel sit for three-week periods, with a one week break, again to reduce travel costs and related greenhouse gas emissions. The Coalition would also prefer that the daily schedule be broken into two blocks, perhaps 9:00 a.m. – 11:30 a.m. and 2:00 p.m. – 4:00 p.m., to allow time for counsel to consult with and receive instruction from clients on matters that may arise in each session.
4. The Coalition prefers that questioning on written evidence precede questioning on oral evidence. The Coalition recommends that if time limits are to be imposed on questioning that such limits be set proportionately for questioning on written and oral evidence and with sufficient advance notice.
5. The Coalition recommends that the “Design, Construction and Operation” issue be split into two parts: (1) marine terminal and marine shipping design, construction and operation issues to be heard in Prince Rupert/Vancouver; and, (2) pipeline design, construction and operation issues to be heard in Prince George. It is the Coalition’s position that these issues are most effectively heard in conjunction with the corresponding “Safety, Accident Prevention and Response” issues.
6. The Coalition anticipates questioning the following parties’ witnesses during the final hearings:

| Location | Issue | Witnesses to be questioned | Time Required |
|-----------------------------|--------------------------------------------------------------------------|-----------------------------------|----------------------|
| Prince Rupert/ Vancouver | Environmental effects | Northern Gateway | 6 hours |
| | | Government of Canada | 4 hours |
| | Socioeconomic effects | Northern Gateway | 4 hours |
| | | Government of Alberta | 2 hours |
| | Design, construction and operation (marine terminal and marine shipping) | Northern Gateway | 4 hours |
| | Safety, Accident Prevention and Response (marine) | Northern Gateway | 6 hours |
| | | Government of Canada | 2 hours |

| Location | Issue | Witnesses to be questioned | Time Required |
|------------------|-----------------------------------------------------|-----------------------------------|----------------------|
| Prince George | Routing | Northern Gateway | 2 hours |
| | Design, Construction and Operation (pipeline) | Northern Gateway | 4 hours |
| | Safety, Accident Prevention and Response (pipeline) | Northern Gateway | 4 hours |
| Edmonton/Calgary | Need for the Project | Northern Gateway | 4 hours |

7. The Coalition is supportive of the Panel's intention to seat expert witnesses in a single witness panel for highly technical issues or sub-issues.
8. The Coalition is supportive of the Panel's intention to provide for remote participation in the final hearings. It is the Coalition's position that remote participation should include a visual component using a service such as Skype.
9. The Coalition is supportive of the Panel's intention to permit intervenors to choose to present final argument either orally or in writing. The Coalition reserves the right to request that their final argument be both in writing and orally.
10. The Coalition recommends that the Panel consider hearing final argument in Vancouver as a third location. The Coalition is supportive of the Panel providing an option for remote participation.
11. It is the Coalition's position that any outstanding motions, including Constitutional Questions, be heard following the final hearings.

Sincerely,



Barry Robinson
Staff Lawyer

Cc: Chris Genovali, Raincoast Conservation Foundation
Karen Wristen, Living Oceans Society
Nikki Skuce, ForestEthics Advocacy