

Northern Gateway Pipelines Limited Partnership ("Northern Gateway")  
 Section 52 of the *National Energy Board Act*  
 Application for Enbridge Northern Gateway Project  
 NEB File No.: OF-Fac-Oil-N304-2010-01 01

Northern Gateway Information Request No. 1  
 To: Office of the Wet'suwet'en

<b>Office of the Wet'suwet'en Evidence</b>		
<b>1.1</b>	<b>Reference:</b>	Written Evidence of the Office of the Wet'suwet'en (A2K7V4).
	<b>Preamble:</b>	The Written Evidence of the Office of the Wet'suwet'en is comprised of a 134 page submission covering a variety of topics, including some of a technical nature.
	<b>Request:</b>	<ul style="list-style-type: none"> <li>(a) Please advise as to who authored the Written Evidence of the Office of the Wet'suwet'en.</li> <li>(b) Please provide the qualifications of the primary author or authors.</li> <li>(c) Please confirm that the Office of the Wet'suwet'en has received participant funding from the Canadian Environmental Assessment Agency to participate in the Joint Review Panel ("JRP") proceeding.</li> <li>(d) Please advise as to the amount of participant funding received to date from the Canadian Environmental Assessment Agency.</li> <li>(e) Please advise whether or not the Office of the Wet'suwet'en has received funding within the last 5 years from Tides Canada, the Gordon and Betty Moore Foundation, the William and Flora Hewlett Foundation, or any other similar foundations, to oppose the Northern Gateway Project or to oppose oil sands projects in general. If so, please provide the amount of funding received from each foundation.</li> </ul>

<b>Office of the Wet'suwet'en Evidence</b>		
<b>1.2</b>	<b>Reference:</b>	Written Evidence of the Office of the Wet'suwet'en, paragraph 13, adobe pages 4-5 (A2K7V4).
	<b>Preamble:</b>	The Reference states that "the Crown and the Proponent will infringe upon the governance system by imposing and allowing the proposed pipeline."
	<b>Request:</b>	<p>(a) Is it the position of the Office of the Wet'suwet'en that a decision to refuse the Northern Gateway Application would infringe upon the governance system of First Nations who support the Project?</p> <p>(b) Is it the position of the Office of the Wet'suwet'en that each First Nation whose traditional territory is traversed by the proposed pipeline has a veto on whether it is approved or refused?</p> <p>(c) Please confirm that the Office of the Wet'suwet'en opposed approval of the Pacific Trails Pipeline (also known as the Kitimat Summit Lake Looping Project).</p> <p>(d) Does the Office of the Wet'suwet'en continue to oppose construction of the Pacific Trails Pipeline?</p> <p>(e) Have the First Nations who are proposing to participate as equity owners in the Pacific Trails Pipeline Project advised the Office of the Wet'suwet'en that they accept that the Office of the Wet'suwet'en has a right to veto approval and construction of that Project?</p> <p>(f) Please confirm that the First Nations holding an equity ownership position or entitlement in the Pacific Trails Pipeline Project (also known as the Kitimat-Summit Lake Looping Project) include:</p> <ul style="list-style-type: none"> <li>• Haisla First Nation</li> <li>• Kitselas First Nation</li> <li>• Lax Kw'alaams Band</li> <li>• Lheidli T'enneh Band</li> <li>• McLeod Lake Indian Band</li> <li>• Metlakatla First Nation</li> <li>• Nadleh Whut'en First Nation</li> <li>• Nak'azdli Band</li> </ul>

		<ul style="list-style-type: none"><li>• Nee Tahi Buhn Band</li><li>• Saik'uz First Nation</li><li>• Skin Tyee First Nation</li><li>• Stelat'en First Nation</li><li>• Ts'il Kaz Koh First Nation</li><li>• West Moberly First Nation</li><li>• Wet'suwet'en First Nation</li></ul>
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<b>Kitimat-Summit Lake Looping Project</b>		
<b>1.3</b>	<b>Reference:</b>	BC Environmental Assessment Office, "Kitimat – Summit Lake Pipeline Looping Project Assessment Report With Respect to Review of the Application for an Environmental Assessment Certificate Pursuant to the Environmental Assessment Act, S.B.C. 2002, c. 43" (12 May 2008) at pages 172-178 , online: BC Environmental Assessment Office < <a href="http://a100.gov.bc.ca/appsdata/epic/documents/p270/1214599791218_8e248a8d30d995f6590f6f694d7789f6e20e141ef52b.pdf">http://a100.gov.bc.ca/appsdata/epic/documents/p270/1214599791218_8e248a8d30d995f6590f6f694d7789f6e20e141ef52b.pdf</a> >.
	<b>Preamble:</b>	<p>The Reference lists a variety of measures to be taken to reduce construction-related impacts on the traditional territory of the Office of the Wet'suwet'en. These include:</p> <ul style="list-style-type: none"> <li>• ensuring that there are no long term changes to the reference water state in the Morice Watershed Management Area resulting from the KSL Project;</li> <li>• engaging Office of the Wet'suwet'en in the development of a reference state water sampling program;</li> <li>• providing site-specific environmental protection plans, erosion control plans, restoration plans and other construction and contingency plans as a prerequisite to construction;</li> <li>• ensuring qualified environmental monitors are onsite during construction;</li> <li>• consulting with Office of the Wet'suwet'en to identify appropriate fish habitat compensation opportunities;</li> <li>• discussing the need for additional baseline studies where required to assure the Project does not result in negative impacts on watersheds;</li> <li>• conducting additional fish inventory studies; etc.</li> </ul>
	<b>Request:</b>	Please comment on whether these measures are supported by the Office of the Wet'suwet'en. If not, what additional construction-related measures should be utilized for either the Pacific Trails Pipeline Project (also known as the Kitimat-Summit Lake Looping Project) or the Northern Gateway Project?

<b>Office of the Wet'suwet'en Evidence</b>		
<b>1.4</b>	<b>Reference:</b>	Written Evidence of the Office of the Wet'suwet'en, paragraphs 52 and 54, adobe page 10-11 (A2K7V4).
	<b>Preamble:</b>	In the Reference, the Office of the Wet'suwet'en criticize the Application for lack of traditional knowledge.
	<b>Request:</b>	<p>(a) Please confirm that the Office of the Wet'suwet'en have declined to enter into discussions regarding conducting a traditional knowledge study, notwithstanding offers of funding by Northern Gateway.</p> <p>(b) Please confirm that when Northern Gateway referred the JRP to information compiled by the BC Environmental Assessment Office regarding the Office of the Wet'suwet'en traditional territory and strength of claim, the Office of the Wet'suwet'en filed correspondence with the JRP objecting to the provision of such information.</p> <p>(c) Please advise as to whether the Office of the Wet'suwet'en is prepared to work with Northern Gateway in the development of initiatives such as:</p> <ul style="list-style-type: none"> <li>• Watercourse crossings during detailed engineering;</li> <li>• Operational access management planning;</li> <li>• Operational engineering response plans; and</li> <li>• Compensation for harvesters and trappers for losses incurred during construction and operation of the pipeline.</li> </ul>

<b>Office of the Wet'suwet'en Evidence</b>		
<b>1.5</b>	<b>Reference:</b>	Written Evidence of the Office of the Wet'suwet'en, paragraph 372, adobe page 90 (A2K7V4).
	<b>Preamble:</b>	The Reference states that "The Northern Gateway Pipeline approach regarding understanding and management of ML/ARD is irresponsible."
	<b>Request:</b>	Please indicate whether the author of this paragraph has met with or spoken to Northern Gateway or its engineering advisors regarding the investigations undertaken by the Project related to the ML/ARD (metal leaching/acid rock drainage) issue.

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