

OH-4-2011

NOTICE OF MOTION

Name of person Bringing Motion: Coastal First Nations

Decision or Order Requested

This Motion by the Intervenor, Coastal First Nations, is made pursuant to Hearing Order OH-4-2011 (the "Hearing Order") and section 35 of the *National Energy Board Rules of Practice and Procedure*, 1995, SOR/95-208, for:

- a) The JRP to compel the Intervenor, the Province of British Columbia, to file the technical report containing the B.C. government's assessment of the proposed Northern Gateway project reported on in the Globe and Mail newspaper on Sunday June 3, 2012.
- b) The JRP to compel the Province of British Columbia to file any other reports or assessments it has done on the Project.
- c) The JRP to allow Intervenors an opportunity to file Information Requests on any evidence filed by the Province of British Columbia.
- d) The JRP to compel the Province of British Columbia to indicate whether or not it will issue a Certificate for the Project pursuant to the *BC Environmental Assessment Act*.
- e) The JRP to compel the Province of British Columbia to indicate whether it intends to consult with First Nations on the Project, and if so, how and when?

June 8, 2012
Date Submitted



Art Sterritt
Executive Director
Coastal First Nations: Great Bear Initiative

Statement of Facts

1. The Province of British Columbia is an Intervenor in the JRP process but has not filed any evidence with the JRP.
2. The Province of British Columbia has prepared a technical report containing the B.C. government's assessment of the proposed Northern Gateway Project (reported on in the Globe and Mail newspaper on Sunday June 3, 2012).¹
3. The proposed Project [both the plant at Kitimat (energy storage facility) and the pipeline (transmission pipeline)] is a reviewable project under the B.C. *Environmental Assessment Act, Reviewable Projects Regulation, [includes amendments up to B.C. Reg. 4/2010, January 14, 2010]*.
4. The Project has the potential to significantly affect in an adverse manner the interests of CFN and its members' Aboriginal Rights and Title.

Grounds for the Motion

5. The Province of British Columbia has economic and environmental interests that are potentially affected by the Project.
6. The Province of British Columbia will be required to issue a variety of approvals for the Project including Crown tenures and leases.
7. The Province of British Columbia has legal obligations to consult First Nations about the proposed project.
8. The Province of British Columbia plays a significant role in oil spill responses and is a member of the Pacific States – BC Oil Spill Task Force established to develop coordinated programs for oil pollution prevention, abatement, and response.

Decision or Order Sought

9. CFN respectfully requests the following relief:
 - a) The JRP to compel the Intervenor, the Province of British Columbia, to file the technical report containing the B.C. government's assessment of the proposed Northern Gateway project (reported on in the Globe and Mail newspaper on Sunday June 3, 2012).

¹ <http://www.theglobeandmail.com/news/british-columbia/in-bc-energy-policy-becomes-a-political-battleground/article4227695/>

- b) The JRP to compel the Province of British Columbia to file any other reports or assessments it has done on the Project.
- c) The JRP to allow Intervenors an opportunity to file Information Requests on any evidence filed by the Province of British Columbia.
- d) The JRP to compel the British Columbia to indicate whether or not it will issue a Certificate for the Project.
- e) The JRP to compel the Province of British Columbia, to indicate whether it intends to consult with First Nations on the Project, and if so, when?

All of which is respectfully submitted this 8th day of June 2012.



Art Sterritt
Executive Director, Coastal First Nations