

Enbridge Northern Gateway Project

Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
10 July 2012

Mr. Arthur Sterritt
Executive Director
Coastal First Nations
Suite 1660, 409 Granville Street
Vancouver, BC V6C 1T2
Email: officeadmin@coastalfirstnations.ca

Dear Mr. Sterritt:

**Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Notice of Motion #4 from the Coastal First Nations – Request to Compel the
Province of British Columbia to File Various Reports and Assessments and for
Related Relief – Ruling No. 60**

On 8 June 2012, the Coastal First Nations (CFN) filed a motion (Motion) asking the Joint Review Panel (Panel) to:

- a) compel the Province of British Columbia (Province) to file a technical report that was reported on in the *Globe and Mail* on 3 June 2012;
- b) compel the Province to file any other reports or assessments it has;
- c) allow intervenors to file information requests on any evidence filed by the Province;
- d) compel the Province to indicate whether or not it will issue a Certificate for the Project pursuant to the *BC Environmental Assessment Act*; and
- e) compel the Province to indicate whether it intends to consult with First Nations on the Project, and if so, how and when.

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National Energy
Board

Office national
de l'énergie

Canada



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

The Panel's response on the Motion follows.

Request (d) and (e)

Through these paragraphs, the CFN has requested information from the Province that is directly related to authorizations that the province may issue. No justification is provided as to why this information would be relevant to the federal review of the Project by the Panel. The Panel is not persuaded that it has any legal authority over these areas of provincial jurisdiction, or that it would be appropriate or relevant to the federal review, to obtain information about provincial affairs. These requests are denied.

Request (c)

Through this paragraph, the CFN has requested a blanket right for parties to ask information requests on evidence that is not yet filed. If a party believes it needs to ask a late information request (as opposed to asking a hearing question) on specific evidence, the Panel will consider that request. The Panel is not persuaded that all parties ought to be given a blanket right to ask information requests on evidence that is not yet filed. The Panel denies this request.

Request (b)

The information requested through this paragraph is unclear and excessively broad. The Panel denies this request.

Request (a)

Before ruling on this paragraph, the Panel will seek comments on the request, from relevant parties. Northern Gateway and the Province will have until **16 July 2012** to provide comments to the Panel, with respect to paragraph (a) of the Motion. The CFN will have until **20 July 2012** to file its reply.

The Panel notes that on 15 June 2012, the Province wrote to the Panel, to request that it be given an extension to the timeline outlined in the *National Energy Board Rules of Practice and Procedure*, to respond to the CFN motion. While the timeline is shorter than that requested, the Panel notes that the scope of comments required is far more limited, in light of this ruling.

If you have any questions regarding this ruling, please contact Andrew Hudson, counsel to the Joint Review Panel, at 403-299-2708 or toll-free at 1-800-899-1265.

Yours truly,



 Sheri Young
Secretary to the Joint Review Panel

c.c. Parties to OH-4-2011