

National Energy
Board



Office national
de l'énergie

File OF-EI-Gas-GL-B262-2011-01 01
25 July 2011

Mr. Chris W. Sanderson, Q.C.
Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia Street
Vancouver, BC V6C 3L2
Facsimile 604-669-1620

Mr. Tom Tatham
BC LNG Export Co-operative LLC
c/o 4400 Post Oak Parkway
Suite 1200
Houston, TX 77027
Facsimile 713-621-3553

Dear Mr. Sanderson and Mr. Tatham:

**BC LNG Export Co-operative LLC (BC LNG)
Application for a 20-year licence to export liquefied natural gas (LNG)
Hearing Order GH-003-2011**

The National Energy Board (NEB or Board) has decided to convene a public hearing to consider BC LNG's application for a long-term natural gas export licence. The public hearing will consist of a written portion and, potentially, an oral portion.

The Board invites parties to comment, as part of their application to intervene, on whether the oral portion of the hearing is necessary. The deadline for applications to intervene is **1 September 2011**.

The attached Hearing Order GH-003-2011 sets out the procedures to be followed in this hearing. Any references in the Hearing Order to an oral portion of the hearing are applicable only if the Board determines an oral portion of the hearing is necessary.

Further details with respect to whether this public hearing will include an oral portion will be announced at a later date.

The Board directs BC LNG, by **11 August 2011**, to serve a copy of this letter and the attached Hearing Order on the persons and agencies listed in Appendix V of the Hearing Order in the official language of their choice. BC LNG is also directed to publish the Notice of Public Hearing (Appendix III) in accordance with paragraph 33 of the Hearing Order and serve a copy of the Notice on Parties to the GH-1-2011 (KM LNG) Hearing and any other interested persons by **18 August 2011**.

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For further information regarding this hearing, please contact Carrie Randall, Regulatory Officer, at 403-299-3714 or at the toll free number 1-800-899-1265 and specifying the BC LNG Export Licence Application. The Hearing Order may also be accessed through the Board's Internet site at www.neb-one.gc.ca (click on "Hearings and Information Sessions").

Yours truly,

A handwritten signature in black ink that reads "AnneMarie Erickson". The signature is written in a cursive style with a long, sweeping tail on the letter 'n'.

Anne-Marie Erickson
Secretary of the Board

Attachments

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Hearing Order GH-003-2011

BC LNG Export Co-operative LLC – Application to Export Liquefied Natural Gas (LNG)

The Application

1. On 8 March 2011, BC LNG Export Co-operative LLC (BC LNG or the Applicant) applied to the National Energy Board under section 117 of the *National Energy Board Act* (NEB Act) for a long-term (20-year) licence to export natural gas in the form of LNG from Canada to markets in the Pacific Rim.

BC LNG proposes that the licence be subject to the following terms and conditions:

- (a) The term of the licence shall be 20 years commencing on the date of first export under the subject licence and continuing for a period of twenty years thereafter;
- (b) The annual volume shall not exceed 1,800,000 tonnes per annum, calculated on the assumption that BC LNG will receive an average 4,932 tonnes of LNG for export per day;
- (c) The total term volume shall not exceed 36,000,000 tonnes;
- (d) As a tolerance, the amount of gas that may be exported in any consecutive twelve month period under the authority of this licence may exceed the annual volume by up to 10%;
- (e) The point of export will be at the point of departure from Canadian waters of ships loaded from a dedicated facility, located at or near Kitimat, British Columbia; and
- (f) Such further and other terms as may be requested and as the Board may consider appropriate in the circumstances.

BC LNG proposes to export LNG purchased from DCEP Gas Management Ltd. (GML) pursuant to a long-term LNG sale and purchase agreement. BC LNG would purchase the LNG at the outlet of a new proposed facility for liquefying natural gas, to be operated by Douglas Channel Energy Partnership (DCEP). GML would obtain its supply of natural gas from producers and marketers having existing conventional natural gas supply or newly developed unconventional natural gas reserves in the northwest portions of the Western Canada Sedimentary Basin, primarily in Northeast British Columbia. GML would then arrange for transport of the natural gas to the LNG facility on existing Spectra Energy and Pacific Northern Gas transmission systems, as well as potential new pipeline infrastructure additions. LNG produced at the facility will be transported by LNG carriers to Pacific Rim markets.

The Applicant expects that, subject to receiving the export licence, GML would be able to commence sales to BC LNG by the fourth quarter of 2013.

Hearing

2. The National Energy Board has decided to convene a public hearing. The public hearing will consist of a written portion and, potentially, an oral portion. **Any references in this Hearing Order to an oral portion of the public hearing are applicable only if the Board determines that an oral portion is necessary.** Further details with respect to whether this proceeding will include an oral portion will be announced at a later date.

The Board's proceeding will obtain the evidence and views of interested persons on the application.

To facilitate public participation in a fair and efficient manner, the Board has established the procedures and directions as set out in this order.

Please note that the procedures set out in this Hearing Order supplement the *National Energy Board Rules of Practice and Procedure, 1995*, (Rules) SOR/95-208, which are available at www.neb-one.gc.ca (click on "Acts and Regulations") or by calling Carrie Randall, Regulatory Officer, at 403-299-3714 or the toll free number 1-800-899-1265.

Public Viewing

3. The application is available for viewing on the Board's electronic document repository at www.neb-one.gc.ca (find "Regulatory Documents" on the left side of the page, and click on "Browse the Regulatory Document Index" then "Quick Links" and scroll down to the BC LNG Export Licence application). BC LNG must make available for public viewing, during normal business hours, a copy of its application and all related documents at the following locations:

Kitimat Public Library

940 Wakashan Avenue
Kitimat, BC V8C 2G3

Copies of the application and all related documents are also available for viewing at the Board's library:

National Energy Board

Library, First Floor
444 – 7th Avenue SW
Calgary, AB T2P 0X8

Correspondence Related to this Hearing

4. (1) Any person filing a document with the Board or serving a document on any person regarding this hearing must quote Hearing Order GH-003-2011 and File OF-EI-Gas-GL-B262-2011-01 01. With the exception of online forms, any document filed in this hearing must be signed by the person submitting it.
- (2) In this Hearing Order, reference to service on BC LNG or BC LNG's counsel means service on the following:

Mr. Tom Tatham
BC LNG Export Co-operative LLC
c/o 4400 Post Oak Parkway
Suite 1200
Houston, TX 77027
Facsimile 713-621-3553

Mr. Chris W. Sanderson, Q.C.
Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia Street
Vancouver, BC V6C 3L2
Facsimile 604-669-1620

Public Participation

5. Members of the public may participate in this hearing:
 - (a) by filing a Letter of Comment;
 - (b) by making an Oral Statement; or
 - (c) by seeking Intervenor status.

Government authorities may participate in this hearing in any of the above ways or by filing a declaration of participation as a Government Participant. The Government Participant option allows government authorities the opportunity to participate without becoming Intervenors.

The Letter of Comment option is intended to allow interested persons who do not wish to appear at the hearing an opportunity to provide their views and opinions on the application.

The Oral Statement option is intended to allow interested persons who do not wish to intervene an opportunity to give their views orally to the Board. The Board will set aside a time for hearing Oral Statements, which will be made under oath or affirmation. The Board and BC LNG, and any other party with permission of the Board, will be allowed to ask questions of the person making the statement.

The Intervenor option allows interested persons an opportunity to fully participate in all aspects of the hearing. Intervenors will receive all documents to the proceeding, can file evidence, can ask questions of the applicant and other intervenors, may participate in the oral portion of the hearing and make final argument. If you are providing technical or factual evidence, rather than views about the application, it may be more appropriate to participate as an Intervenor.

Any person may monitor the record containing the application and most of the other filed documents on the Board's website www.neb-one.gc.ca. Find "Regulatory Documents" on the left side of the page, and click on "View" then "Quick Links" and scroll down to the BC LNG Export Licence application. In addition, anyone may attend the oral portion of the hearing as an observer.

General information about how to participate in a National Energy Board hearing can be found at www.neb-one.gc.ca. Click on "Hearings and Information Sessions", and then click on "Participate in a Public Hearing". The link includes a publication entitled "The Public Hearing Process – Your Guide to Understanding NEB Hearings". To request a copy of the publication by mail, please contact Carrie Randall, Regulatory Officer, at 403-299-3714, or call the NEB Toll-Free at 1-800-899-1265.

Public Information

6. Throughout the hearing, Board staff will be available to answer questions about the process and how to participate. For further information, please contact Carrie Randall, Regulatory Officer, at 403-299-3714 or at the toll free number 1-800-899-1265 and specify the BC LNG Export Licence Application.

Letters of Comment

7. Any interested person who does not wish to register as an Intervenor and become a party in the proceeding, but who still wishes to comment on the application, may file a Letter of Comment. Letters of Comment must be filed with the Board and served on BC LNG and its counsel. **The deadline for filing Letters of Comment will be announced at a later date.**

The Board will serve a copy of all letters of comment on all other parties.

A Letter of Comment should:

- (a) describe the nature of your interest in the application;
- (b) provide comments on the application; and
- (c) provide any relevant information that will explain or support your comments.

You may use a form on the Board's Internet site to file your Letter of Comment. Go to www.neb-one.gc.ca and under the "Regulatory Documents" heading, click "Submit documents electronically" – then click "Letter of Comment".

Note: If you choose to file a Letter of Comment, you are not considered an Intervenor. Therefore, you will not have the right to be served with a copy of the application, to file evidence, to ask questions in the hearing, or to submit final argument. You will not be required to attend the hearing and will not be subject to questions on your comments.

Oral Statement

8. (1) The Oral Statement option is intended to allow interested persons who do not wish to participate as an Intervenor the opportunity to give their viewpoint on the application to the Board orally. The Board, BC LNG, and any other party with leave of the Board will be allowed to ask questions of clarification from the person making the statement.

If you intend to provide technical or factual evidence rather than views about the application, it would be more appropriate to participate as an Intervenor (paragraph 9). With the Oral Statement option, there is no opportunity to file written material and, with the exception of speaking notes, persons are not permitted to read documents into the record.

If you wish to make an Oral Statement to the Board, you must file the following details with the Board and serve a copy on BC LNG and its counsel by **1 September 2011**:

- (a) the nature of your interest in the application;
- (b) the official language in which you wish to make your Oral Statement; and
- (c) your name, mailing address, address for personal service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers.

The date to hear Oral Statements will be announced at a later date.

You may use a form on the Board's Internet site to file your request to make an Oral Statement. Go to www.neb-one.gc.ca and under the "Regulatory Documents" heading, click "Submit documents electronically"– and then click "Request to Make an Oral Statement".

- (2) An Oral Statement should:
- (a) describe the nature of your interest in the application;
 - (b) provide comments on the application; and
 - (c) provide any relevant information that will explain or support your comments.

Time limits may be imposed on Oral Statements. As a guideline, an Oral Statement should normally take no longer than approximately 10 minutes.

- (3) Any person making an Oral Statement will be sworn or affirmed before the Oral Statement is given. BC LNG and the Board, and any other party with permission of the Board, may ask questions of the person making the Oral Statement.
- (4) If you are making an Oral Statement, you may also file a Letter of Comment; however, you will not be allowed to read your Letter of Comment as filed with the Board. The Oral Statement would allow you to elaborate further on your Letter of Comment.

If you wish to make an Oral Statement and also file a Letter of Comment, you must file the Letter of Comment with the Board in advance. As noted in paragraph 7, the deadline for Letters of Comment will be announced at a later date.

Application for Intervention

9. (1) Any person wanting to become an Intervenor in the hearing must file a written request to intervene with the Board and serve a copy on BC LNG and its counsel by **1 September 2011**.

An application to intervene must:

- (a) set out your name, mailing address, address for personal or courier service (if this is different from your mailing address), e-mail address, telephone number and other telecommunications numbers;
- (b) set out the name, mailing address, address for personal or courier service (if this is different from the mailing address), e-mail address, telephone number and other telecommunications numbers for your authorized representative if you have one;
- (c) describe the nature of your interest in the application;
- (d) state clearly the issues that you intend to address at the public hearing;
- (e) include a statement on whether you or your authorized representative intends to appear at the hearing and if you do not expect to attend the oral hearing, state clearly the reasons why your interest in the proceeding requires an intervention;
- (f) indicate the official language you wish to use in correspondence with the Board and at the oral hearing;
- (g) indicate whether you have the capability to access documents through the Board's electronic document repository on the Board's Internet site; and
- (h) if you are not able to use the Board's electronic document repository, indicate why not.

The Board is also inviting comments on whether an oral portion of the hearing is necessary. You are asked to submit your comments, if any, as part of your request to intervene. The deadline of 1 September 2011 will apply to these comments on procedure.

Note: If a party can access the repository on the Board's Internet site, it must accept notification that an e-filed document is available in the repository rather than requiring a hard copy of the document be served (see paragraph 17).

You may use a form on the Board's Internet site to file your application to intervene. Go to www.neb-one.gc.ca and under the "Regulatory Documents" heading, click "Submit documents electronically" – and then click "Application for Intervenor Status".

- (2) If you are unable to state the information to be addressed at the hearing (see 9(1)(d) above) you must:
- (a) include with your application to intervene a statement explaining why you are unable at this time to describe the issues that you intend to address; and
 - (b) 15 days after the date of filing of the written intervention or 15 days after receiving a copy of the application, whichever is later, file a supplement with the Board and serve it on BC LNG and its counsel. The supplement must contain the information required by 9(1)(d).

Becoming an Intervenor

- (3) Persons and agencies listed in Appendix V or otherwise served with a copy of the application or this Hearing Order are not automatically considered Intervenors. An application must be filed to become an Intervenor.

Declaration by Government Participant

10. (1) Any government department or agency wanting to be a Government Participant must file a declaration with the Board and serve a copy on BC LNG and its counsel by **1 September 2011**.

A declaration of participation as a Government Participant must contain the same information that is required in an application to intervene (see previous section).

You may use a form on the Board's Internet site to file your declaration. Go to www.neb-one.gc.ca and under the "Regulatory Documents" heading, click "Submit documents electronically" – and then click "Declaration of Government Participant Status".

Becoming a Government Participant

- (2) Departments and agencies listed in Appendix V or otherwise served with a copy of the application or this Hearing Order are not automatically considered Government Participants. A declaration must be filed to become a Government Participant.

Note: The features of the Government Participant role are set out in a document "The Government Participant Role" which can be found on the Board's Internet site at www.neb-one.gc.ca under the Hearings and Information Sessions tab.

Scope of the Hearing

11. The purpose of this hearing is to consider, pursuant to Part VI of the NEB Act, BC LNG's application for a long-term licence to export natural gas in the form of LNG. The point of export will be at the point of departure from Canadian waters of ships loaded from a dedicated facility, located at or near Kitimat, British Columbia.

BC LNG states in its application that an environmental assessment pursuant to the *Canadian Environmental Assessment Act* will be conducted for the LNG facility and that the facility construction and operation will be overseen by the British Columbia Oil and Gas Commission. The Board will not duplicate this work. However, as part of its public interest determination, the Board will consider the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects.

12. Section 118 of the NEB Act requires that the Board satisfy itself that the quantity of gas to be exported does not exceed the surplus remaining after due allowance has been made for the reasonably foreseeable requirements for use in Canada having regard to the trends in the discovery of gas in Canada. In GHR-1-87 *Reasons for Decision in the Matter of a Review of Natural Gas Surplus Determination Procedures* dated July 1987, the Board implemented a procedure known as the Market-Based Procedure (MBP) to examine the merits of a natural gas export licence application. The MBP is founded on the premise that the marketplace operates in such a way that Canadian requirements for natural gas will be met at fair market prices.

To ensure that natural gas to be licenced for export is surplus to reasonably foreseeable Canadian requirements, and that the export being proposed is in the public interest, the MBP is comprised of two components: a public hearing as required by the NEB Act, and the ongoing monitoring of Canadian energy markets.

The public hearing component is comprised of three further components: the Complaints Procedure, the Export Impact Assessment (EIA) and the public interest determination. The complaints procedure seeks to ensure that active Canadian buyers have access to the gas supply on terms and conditions similar to those available to export customers. The Complaints Procedure was further described in the Board's GHW-1-91 *Reasons for Decision in the Matter of Proposed Changes to the Application of the Market-Based Procedure* dated May 1992. The focus of the EIA is to assist the Board in its determination of whether the Canadian energy market can adjust to the incremental gas exports without causing Canadians difficulty in meeting their energy needs at fair market prices. Finally, the Board will consider all other factors that it considers relevant in determining whether the proposed export is in the Canadian public interest.

List of Issues

13. (1) The Board intends to examine the issues contained in the List of Issues, attached as Appendix I. Any party who wishes to suggest an amendment or addition to this List of Issues must file their suggestion with the Board and serve a copy on BC LNG and its counsel by **1 September 2011**. You must include a clear explanation of the relevance of the suggested changes to the List of Issues.
- (2) The Board will consider any comments received, and, shortly after the deadline for comments on the List of Issues, the Board will release a final List of Issues.

List of Parties

14. Shortly after **1 September 2011**, the Board will issue a List of Parties (which consists of BC LNG, Intervenors and Government Participants).

Immediately after receiving the List of Parties, Intervenors must serve a copy of their intervention on all other parties, and Government Participants must serve a copy of their declaration on all other parties.

If there are parties who cannot access documents through the Board's repository, and therefore cannot be served by being notified that the document has been e-filed, the Board will indicate on the List of Parties the manner of service for those parties.

Parties must file an update with the Board if there are any changes in their contact information.

Note: Government Participants will be considered parties to the hearing and will be included on the List of Parties.

Service of Documents - General

15. Anyone required to serve a document on a party may serve a notification that the document is on the Board's electronic document repository instead of serving a hard copy of the document. The party being served will be responsible for retrieving the document from the repository. Parties identified as being unable to access electronic documents will need to be served a hard copy of any filed documents.

Where the Hearing Order indicates that documents must be served on other parties, one copy must be served on BC LNG, its counsel and each person on the List of Parties, including the Government Participants.

Service of Documents – Government Participants

16. BC LNG and Intervenors need not serve any documents on Government Participants except for those documents specified in this Hearing Order. Parties are only required to serve Government Participants with information requests and requests to cross-examine a Government Participant. The Board will make reasonable efforts to serve the Government Participants with documents relating to environmental and procedural matters. It is the responsibility of the Government Participant to check the Board's repository and the public registry to ensure that it receives all pertinent information.

Government Participants must serve any documents they file with the Board on all parties, that is, BC LNG, Intervenors and other Government Participants.

Electronic Filing and the Electronic Document Repository

17. Parties who have the ability to file documents electronically are expected to file documents through the Board's electronic document repository at www.neb-one.gc.ca. Click on "Submit a Document" to file a document. Any party who has the ability to access documents through the repository must accept service of a notification that the document is in the repository rather than requiring a hard copy of the document be served. Click on "View" under Regulatory Documents on the right side of the web page then "Quick Links" and scroll down to the application to view and print a document.

18. Should there be an oral portion of this hearing, the Board will view exhibits electronically. For ease of reference, **documents filed in this proceeding should be numbered beginning with the title page as page 1 and numbered consecutively to the end of the document (including blank pages)**. This way, the page numbers on paper copies will correspond to those in electronic pdf documents.

For more information about filing electronically, please refer to the “Filers Guide to Electronic Submission” available on the Board’s Internet site at www.neb-one.gc.ca/efile/guide_e.pdf.

Please note that e-mails are not considered electronic filing and will not be accepted in this hearing.

The Board’s electronic document repository will contain the full text of those documents filed electronically (following the procedures mentioned above). When documents are filed by hard copy or facsimile, the Board will attempt to scan them into the repository but may, in some instances, create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy. It will not be possible to view or search these documents on the electronic document repository, but they are available in the Board’s library and locations for public viewing set out in paragraph 3.

Filing Documents with the Board

19. All documents and correspondence being filed with the Board should be addressed to the Secretary of the Board. The Board accepts documents and correspondence by hand delivery, mail or courier at the following address:

Secretary of the Board
National Energy Board
444 - 7th Avenue SW
Calgary, AB T2P 0X8

Documents and correspondence may also be submitted by facsimile at 403-292-5503.

Number of Copies and Delivery of Documents

20. Parties filing documents electronically only need to file one hard copy and the electronic filing receipt with the Board. The filing receipt is generated by the repository when a document is electronically filed.

Parties filing hard copies of documents with the Board prior to or after the oral hearing are required to provide 25 copies. The exceptions are a Letter of Comment and a request to make an Oral Statement, for which only one copy is required for each of the Board, BC LNG and its counsel. The Board will serve a copy of each Letter of Comment and request to make an Oral Statement on each Intervenor.

If an oral portion of the hearing is announced, any party filing a document during the oral portion must give six copies to the Regulatory Officer and 10 copies to Board counsel.

The party must also provide enough copies for use by the other parties at the oral hearing. There will be a designated location in the hearing room to place documents. In addition to providing copies in the hearing room, parties who have the ability to file documents electronically are also expected to file the document through the Board's electronic document repository.

Parties filing documents fewer than five days before the oral hearing begins must serve the document as otherwise set out in the Hearing Order and bring to the oral hearing enough copies for use by the Board and other parties.

When this Hearing Order requires the filing or service of documents by certain deadlines, the documents are only considered to meet the deadline when the intended person receives them.

References to Websites

21. Any person making a reference to information on a website must ensure that:
 - (a) the reference is sufficiently precise to allow any person accessing the site to know the exact information which is being referenced;
 - (b) the website does not require a password or subscription in order to access the information; and
 - (c) a hard copy of all of the information being referenced on the website is filed with the Board.

BC LNG to Serve Application

22. BC LNG must serve a copy of its application and all related documents on each Intervenor who has not yet received a copy **immediately after receiving the List of Parties**.

Additional Written Evidence from BC LNG

23. BC LNG must file any additional evidence with the Board and serve a copy on all Intervenors by **16 September 2011**.

Information Requests to BC LNG

24. If Intervenors or Government Participants have any information requests for BC LNG, they must serve them on BC LNG and its counsel, file a copy with the Board and serve a copy on all Intervenors. **The deadline for filing will be announced at a later date.**
25. BC LNG must file its responses to the information requests with the Board and serve a copy on all Intervenors. **The deadline for filing will be announced at a later date.**

Written Evidence of Intervenors and Government Participants

26. Intervenors and Government Participants wishing to give evidence must file their written evidence with the Board and serve a copy on BC LNG and all Intervenors. **The deadline**

for filing will be announced at a later date.

Information Requests to Intervenors and Government Participants

27. If BC LNG or any Intervenor has any information requests about the evidence of Intervenors or Government Participants, they must serve them on the Intervenor or Government Participant, file a copy with the Board and serve a copy on BC LNG and all Intervenors. **The deadline for filing will be announced at a later date.**
28. Intervenors and Government Participants must file a copy of all responses to the information requests received by the deadline with the Board and serve a copy on BC LNG and all Intervenors. **The deadline for filing will be announced at a later date.**

Reply Evidence of Applicant

29. BC LNG may file any reply evidence with the Board and serve a copy on all Intervenors.

The deadline for filing will be announced at a later date.

Cross-examination of Government Participants

30. If BC LNG or any Intervenor wishes to cross-examine a Government Participant, it must request permission of the Board. The request must indicate the nature of the questions, the relevance to the proceeding, and why fairness requires cross-examination and must be filed with the Board and served a copy on all parties. **The deadline for filing will be announced at a later date.**
31. If the Government Participant has any comments on the request to be cross-examined, it must file a reply with the Board and serve a copy on all parties. **The deadline for filing will be announced at a later date.**
32. The party requesting the right to cross-examine the Government Participant must file its reply, if any, with the Board and serve a copy on all parties. **The deadline for filing will be announced at a later date.**

Note: Government Participants must also receive leave of the Board to cross-examine any other party.

BC LNG's Public Notification Duties

33. BC LNG is responsible for:
 - (a) serving a copy of this Hearing Order and Appendices on all persons and agencies listed in Appendix V in the official language of their choice by **11 August 2011**;
 - (b) publishing the Notice of Public Hearing (Appendix III) in each of the publications listed in Appendix IV by **18 August 2011**;
 - (c) ensuring the published Notice of Public Hearing meets the requirements of the Government of Canada's Federal Identity Program (for assistance please contact FIP@neb-one.gc.ca);

- (d) serving a copy of the Notice of Public Hearing no later than **11 August 2011** on Parties to GH-1-2011 and any other interested persons; and
- (e) filing with the Board a complete list of publication dates of the Notice of Public Hearing **immediately after all notices have been published.**

Timetable of Events

- 34. Appendix II lists the deadlines for filing and serving documents and the party responsible.

Motions

- 35. Any party wishing to raise a question of procedure or substance that requires a Board decision before the oral hearing starts must file a document titled “Notice of Motion” separate from other correspondence. Section 35 of the Rules of Practice and Procedure must be followed. The motion must set out a statement of the facts, the grounds for the request, the decision requested and the evidence supporting the request. If case law is being relied on, a case book must be filed and the specific passages of the cases being relied on must be highlighted or side barred.

The party raising a motion must file a copy with the Board and serve a copy on all parties.

Simultaneous Interpretation

- 36. Parties must indicate the official language they wish to use at the oral hearing. If both official languages will be used at the hearing, the Board will provide simultaneous interpretation.

Transcripts

- 37. Should the Board announce an oral portion of the hearing, the oral portion will be recorded and transcribed daily. Transcripts will be available at no cost through the Board’s Internet site at www.neb-one.gc.ca. Click on “Regulatory Documents” then “Browse the Regulatory Document Index” and then “Quick Links” and scroll down to “BC LNG Export Licence Application”, or check the “Inbox” for the latest transcript.

One hard copy of the daily transcript will be provided at no cost, except for the cost of delivery, to any party to the hearing who requests one. All costs of any subsequent copies are the responsibility of the requesting party. You can also order transcripts directly from International Reporting, either at the hearing, by e-mailing bprouse@irri.net or by calling 613-748-6043.

Live Broadcasts

38. The hearing will be broadcast live over the Board's Internet site. Parties who wish to access the audio feed should log on to the Board's Internet site at www.neb-one.gc.ca and follow the links starting under "Hearings and Information Sessions" in the left column.

Fairness and Efficiency

39. The Board encourages fairness and efficiency in all of its proceedings and therefore asks that all parties and persons observe the deadlines set out in this Hearing Order. The Board encourages the use of electronic filing and facsimile or courier to ensure that documents are received on time. The Board will not allow an exception to a deadline unless, in the Board's view, it can be reasonably justified.

Further Information

40. For information on this hearing, or the procedures governing the hearing, please contact Carrie Randall, Regulatory Officer, at 403-299-3714 in Calgary or call the Board toll-free at 1-800-899-1265 and specify the BC LNG Export Licence Application. The Hearing Order may also be accessed through the Board's Internet site at www.neb-one.gc.ca (click on "Hearings and Information Sessions").

NATIONAL ENERGY BOARD



Anne-Marie Erickson
Secretary of the Board

List of Issues

The Board has identified but does not limit itself to the following issues for discussion in the proceeding:

1. Application of the Market-Based Procedure (MBP) to assess the merits of BC LNG's application to export liquefied natural gas (LNG).
2. Overseas gas markets and the adequacy of gas export sales arrangements.
3. Status of required regulatory authorizations for the BC LNG facility.
4. Consideration of the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects, as qualified in paragraph 11 of the Hearing Order.
5. Adequacy of natural gas supply to support the volumes and term of the applied-for licence.
6. The terms and conditions to be included in any licence that the Board may issue.
7. The adequacy of pipeline transportation arrangements pertaining to the volumes to be exported.

Timetable of Events

Events	Reference	Person Responsible	Deadline
Hearing Order issued		Board	25 July 2011
Serve cover letter and Hearing Order on the persons listed in Appendix V	paragraph 32(a)	Applicant	11 August 2011
Serve copy of Notice of Public Hearing on GH-1-2011 Parties and any other interested persons not named in Appendix V	paragraph 32(d)	Applicant	11 August 2011
Publish Notice of Public Hearing	paragraph 33(b)	Applicant	18 August 2011
Application to Intervene	paragraph 9(1)	Intervenors	1 September 2011
Comments on whether an oral portion of the hearing is necessary	paragraph 9(1)	Intervenors	1 September 2011
Register for Oral Statement	paragraph 8(1)	Oral statement providers	1 September 2011
Declaration by Government Participants	paragraph 10(1)	Government Authorities	1 September 2011
Comments on the List of Issues	paragraph 13(1)	All Parties	1 September 2011
Final List of Issues released	paragraph 13(2)	Board	Shortly after 1 September 2011
List of Parties issued	paragraph 14	Board	Shortly after 1 September 2011
Application served on all Intervenors	paragraph 22	Applicant	Immediately after receiving the List of Parties
Interventions served on all	paragraph 14	Intervenors	Immediately after receiving

Events	Reference	Person Responsible	Deadline
other parties			the List of Parties
Government Participant Declaration served on all other parties	paragraph 14	Government Participants	Immediately after receiving the List of Parties
Additional Written Evidence	paragraph 23	Applicant	16 September 2011
Information Requests to BC LNG	paragraph 24	Board, Intervenors and Government Participants	To be announced
Responses to Information Requests	paragraph 25	Applicant	To be announced
Letters of Comment	paragraph 7	Commenters	To be announced
Written Evidence from Intervenors and Government Participants	paragraph 26	Intervenors and Government Participants	To be announced
Information Requests to the Intervenors and Government Participants on their evidence	paragraph 27	Board, Applicant, Intervenors, and Government Participants	To be announced
Responses to Information Requests	paragraph 28	Intervenors and Government Participants	To be announced
Request to cross-examine Government Participants	paragraph 30	Applicant or Intervenor	To be announced
Reply Evidence	paragraph 29	Applicant	To be announced
Comments on request to be cross-examined	paragraph 31	Government Participants	To be announced
Reply to comments	paragraph 32	Party requesting right to cross-	To be announced

Events	Reference	Person Responsible	Deadline
		examine	
Begin the Oral Hearing	paragraph 2	Board and all parties	To be announced

National Energy
Board



Office national
de l'énergie

Appendix III

**National Energy Board
Notice of Public Hearing
BC LNG Export Licence Application**

The National Energy Board (NEB or Board) has announced a public hearing to consider an application from BC LNG Export Co-operative LLC (BC LNG) under Part VI of the *National Energy Board Act* (NEB Act). BC LNG is requesting a 20-year licence to export liquefied natural gas (LNG) from Canada to Pacific Rim markets. The licence would allow BC LNG to export the output of two trains converting 250,000 thousand standard cubic feet per day (mscfd) into 1,800,000 tonnes of LNG annually. The point of export will be at the point of departure from Canadian waters of ships loaded from a dedicated facility, located at or near Kitimat, British Columbia.

Copies of the application are available for viewing: on the Board's Internet site at www.neb-one.gc.ca (click on "Quick Links" and scroll down to the application); at the Board's library (1st floor, 444 Seventh Avenue SW, Calgary); and at the Kitimat Public Library (940 Wakashan Avenue, Kitimat).

Public Hearing

The public hearing will consist of a written portion and, potentially, an oral portion. The Board invites parties to comment, as part of their application to intervene, on whether the oral portion of the hearing is necessary. Further details with respect to whether this hearing will include an oral portion will be announced at a later date. Any person interested in participating in the oral hearing should consult the Board's Hearing Order GH-003-2011 for further background and instructions. You may access the Hearing Order through the Board's Internet site at www.neb-one.gc.ca (click on "Major Applications and Projects", then scroll down to the BC LNG Export Licence Application and click on "Regulatory Documents", then "Hearing Order").

Information for Intervenors and Government Participants

Any person wishing to intervene or become a Government Participant in the hearing must file an application to intervene or declare its intention to participate as a Government Participant by **1 September 2011** with the Secretary of the Board and serve a copy on BC LNG and its counsel at the following addresses:

Mr. Tom Tatham
BC LNG Export Co-operative LLC
c/o 4400 Post Oak Parkway
Suite 1200
Houston, TX 77027
Facsimile 713-621-3553

Mr. Chris W. Sanderson, Q.C.
Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia Street
Vancouver, BC V6C 3L2
Facsimile 604-669-1620

You may use a form on the Board's Internet site to file an application to intervene or declaration of intention to participate as a Government Participant. Go to www.neb-one.gc.ca and under the "Regulatory Documents" heading, click "Submit documents electronically" – and then scroll down to "Application for Intervenor Status" or "Declaration of Government Participant Status". BC LNG will serve a copy of the application and related documentation on each Intervenor and Government Participant.

Letters of Comment and Oral Statements

Any person wishing only to comment on the application will have an opportunity to file a Letter of Comment with the Board. The deadline for Letters of Comment **will be announced at a later date**. Anyone wishing to make an Oral Statement must file a request with the Board and send a copy of the request to BC LNG and its counsel by **1 September 2011**.

You may use forms on the Board's Internet site to file your Letter of Comment or request to make an Oral Statement. Go to www.neb-one.gc.ca. Under the "Regulatory Documents" heading, click "Submit documents electronically" – then scroll down to "Letter of Comment" or "Request to Make an Oral Statement".

Information on Hearing Procedures

You may obtain information on the procedures for this hearing by contacting Carrie Randall, Regulatory Officer, at 403-299-3714 or toll-free at 1-800-899-1265. You may also go to the Board's Internet site and click on "Acts and Regulations" to access the *National Energy Board Rules of Practice and Procedure, 1995* and other legislation.

Anne-Marie Erickson
Secretary of the Board
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8
Facsimile 403-292-5503

List of Publications

Publication

The Globe & Mail
The Calgary Herald
The Province
The Northern Sentinel
The Fort Nelson News
The Prince George Citizen

Location

Toronto, Ontario
Calgary, Alberta
Vancouver, British Columbia
Kitimat, British Columbia
Fort Nelson, British Columbia
Prince George, British Columbia

Notice to be published in French

La Presse
Le Franco
La Source

Montreal, Québec
Edmonton, Alberta
Vancouver, British Columbia

Notice to be published in Aboriginal newspaper

Native Journal

Edmonton, Alberta

List of Interested Persons to be Served with Hearing Order GH-003-2011

(Attorneys General - Canada / Procureurs généraux)

The Honourable Robert Douglas Nicholson, P.C., Q.C., M.P.
Minister of Justice & Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8
Telephone/téléphone: 613-992-4621
Facsimile/télécopieur: 613-990-7255
Email/courriel: webadmin@justice.gc.ca

The Honourable Barry Penner
Attorney General
Province of British Columbia
PO Box 9044
Stn Prov Govt
Victoria, BC V8W 9E2
Telephone/téléphone: 250-387-1866
Facsimile/télécopieur: 250-387-6411
Email/courriel: ag.minister@gov.bc.ca

The Honourable Verlyn Olson, Q.C.
Minister of Justice & Attorney General
Province of Alberta
#403 Legislature Building
10800 – 97th Avenue
Edmonton, AB T5K 2B6
Telephone/téléphone: 780-427-2339
Facsimile/télécopieur: 780-422-6621
Email/courriel: ministryofjustice@gov.ab.ca

The Honourable Don Morgan
Minister of Justice & Attorney General
Province of Saskatchewan
Room 355 Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3
Telephone/téléphone: 306-787-5353
Facsimile/télécopieur: 306-787-1232
Email/courriel: minister.ju@gov.sk.ca

The Honourable Andrew Swan
Minister of Justice and Attorney General
Government House Leader
Province of Manitoba
Room 104, 450 Broadway Avenue
Legislative Building
Winnipeg, MB R3C 0V8
Telephone/téléphone: 204-945-3728
Facsimile/télécopieur: 204-945-2517
Email/courriel: minjus@leg.gov.mb.ca

The Honourable Chris Bentley
Attorney General of the Province of Ontario
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9
Telephone/téléphone: 416-326-2220 / 1-800-518-7901
Facsimile/télécopieur: 416-326-4007
Email/courriel: attorneygeneral@ontario.ca

L'Honorable Jean-Marc Fournier
Ministre de la Justice du Québec
Procureure générale
Notaire générale du Québec
Ministre responsable des lois professionnelles
Édifce Louis-Philippe-Pigeon
1200, route de l'Église, 9^e étage
Québec, QC G1V 4M1
Telephone/téléphone: 418-643-4210
Facsimile/télécopieur: 418-646-0027
Email/courriel: ministre@justice.gouv.qc.ca

Mr. Guy Daigle
Assistant Deputy Attorney General
Province of New Brunswick
Legislative Building, Centre Block
P.O. Box 6000
Fredericton, NB E3B 5H1
Telephone/téléphone: 506-453-2222
Facsimile/télécopieur: 506-453-3275
Email/courriel: justice.comments@gnb.ca

The Honourable Ross Landry
Attorney General and Minister of Justice
Minister Responsible for Human Rights Act
Minister Responsible for Regulations Act
Province of Nova Scotia
4th Floor, Terminal Building
5151 Terminal Road, P.O. Box 7
Halifax, NS B3J 2L6
Telephone/téléphone: 902-424-4044
Facsimile/télécopieur: 902-424-0510
Email/courriel: justmin@gov.ns.ca

The Honourable Doug Currie
Attorney General
Province of Prince Edward Island
4th floor, Shaw Building South
95 Rochford Street
P.O. Box 2000
Charlottetown, PEI C1A 7N8
Telephone/téléphone: 902-368-5152
Facsimile/télécopieur: 902-368-4910
Email/courriel: dwcurrie@gov.pe.ca

The Honourable Felix Collins, Q.C.
Minister of Justice & Attorney General
Province of Newfoundland and Labrador
PO Box 8700, 4th Floor, East Block
Confederation Building
St. John's, NL A1B 4J6
Telephone/téléphone: 709-729-2869
Facsimile/télécopieur: 709-729-0469
Email/courriel: justice@gov.nl.ca

The Honourable Marian Horne
Minister of Justice
Government of the Yukon
Yukon Legislative Assembly
P.O. Box 2703
Whitehorse, YT Y1A 2C6
Telephone/téléphone: 867-633-7973
Facsimile/télécopieur: 867-393-7400
Email/courriel: justice@gov.yk.ca

The Honourable Peter Kent
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, QC K1A 0H3
Telephone/téléphone: 819-997-1441
Facsimile/télécopieur: 819-953-0279
Email/courriel: Minister@ec.gc.ca

The Honourable Jackson Lafferty
Minister of Justice
Minister of Education, Culture & Employment
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9
Telephone/téléphone: 867-669-2399
Facsimile/télécopieur: 867-873-0274
Email/courriel: jackson.lafferty@gov.nt.ca

The Honourable Eva Aariak
Premier
Minister of Executive & Intergovernmental Affairs
Minister Responsible for the Status of Women
Minister Responsible for Immigration
Government of the Nunavut Territory
P.O. Box 2410
Iqaluit, NU X0A 0H0
Telephone/téléphone: 867-975-5050
Facsimile/télécopieur: 867-975-5051
Email/courriel: premier@gov.nu.ca

The Honourable Lorne Kusugak
Minister of Energy
Government of the Nunavut Territory
P.O. Box 2410
Iqaluit, NU X0A 0H0
Telephone/téléphone: 867-975-5003
Facsimile/télécopieur: 867-975-5095
Email/courriel: pbourdeau@gov.nu.ca

(Provincial Government Departments / Ministères provinciaux)

Ms. Eileen Cheng
Senior Economist
British Columbia Utilities Commission
Box 250, 900 Howe St.
Vancouver BC V6Z2N3
Telephone/téléphone: 604-660-4731
Facsimile/télécopieur: 604-660-1102
Email/Courriel: Eileen.cheng@bcuc.ca

Mr. Paul Jeakins
Deputy Commissioner Regulatory Affairs and Stewardship
#300, 398 Harbour Rd,
Victoria, BC V9A 0B7
Telephone/téléphone: 250-419-4411
Facsimile/télécopieur: 250-419-4403
Email/Courriel: paul.jeakins@bcogc.ca

Mr. David Archie Riddell
Project Assessment Director
Environmental Assessment Office
B.C. Ministry of Environment
1st Floor 836 Yates St
P.O. Box 9426 Stn Prov Govt
Victoria, BC V8W 9V1
Telephone/téléphone: 250-952-6507
Facsimile/télécopieur: 250-387-2208
Email/courriel: David.Riddell@gov.bc.ca

The Honourable Charlie Parker
Minister of Energy
Minister Responsible for Conserve Nova Scotia
Nova Scotia Department of Energy
Bank of Montreal Building, Suite 400
PO Box 2664
5151 George Street
Halifax, NS B3J 3P7
Telephone/téléphone: 902-424-7793
Facsimile/télécopieur: 902-424-3265
Email/courriel: energyminister@gov.ns.ca

The Honourable Rich Coleman
Ministry of Energy and Mines/
Minister Responsible for Housing
Province of British Columbia
PO Box 9060
Stn Prov Govt
Victoria, BC V8W 9E3
Telephone/téléphone: 250-387-5896
Facsimile/télécopieur: 250-356-2965
Email/courriel: EMPR.Minister@gov.bc.ca

Ms. Ines Piccinino
Executive Director, Policy and Royalty Branch
Ministry of Energy, Mines and Petroleum Resources
Province of British Columbia
PO BOX 9323 Stn Prov Govt
Victoria, BC V8W 9N3
Telephone/téléphone: 250-356-9825
Facsimile/télécopieur: 250-952-0271
Email/courriel: ines.piccinino@gov.bc.ca

Mr. Jack Shaw
Director, Regulatory Affairs
Alberta Department of Energy
300, 801 - 6 Avenue SW
Calgary, AB T2P 3W2
Telephone/téléphone: 403-297-5406
Facsimile/télécopieur: 403-297-5499
Email/courriel: jack.shaw@gov.ab.ca

Mr. Douglas Larder, Q.C.
Executive Director & General Counsel-Law
Alberta Utilities Commission
Fifth Avenue Place
4th Floor, 425 – 1st Street SW
Calgary, AB T2P 3L8
Telephone/téléphone: 403-592-4520
Facsimile/télécopieur: 403-592-4483
Email/courriel: doug.larder@auc.ab.ca

Mr. Kent Campbell
Deputy Minister
Ministry of Energy and Resources
Government of Saskatchewan
300 - 2103 11th Avenue
Regina , SK S4P 3Z8
Telephone/ téléphone: 306-787- 9580
Facsimile/télécopieur: 306-787-2159
Email/courriel: kent.campbell@gov.sk.ca / lynn.bodel@gov.sk.ca

Mr. Keith Lowdon
Director, Petroleum Branch
Innovation, Energy & Mines
Suite 360 – 1395 Ellice Avenue
Winnipeg, MB R3G 3P2
Telephone/téléphone: 204-945-6574
Facsimile/télécopieur: 204-945-0586
Email/courriel: petroleum@gov.mb.ca

The Honourable Brad Duguid
Ministry of Energy
900 Bay Street, 4th Floor
Hearst Block
Toronto, ON M7A 2E1
Telephone/téléphone: 416-327-6715
Facsimile/télécopieur: 416-327-6754
Email/courriel: Brad.duguid@ontario.ca

Mme Nathalie Normandeau
Ministère des Ressources naturelles et de la Faune
Province de Québec
880, Chemin Sainte-Foy,
10e étage Québec, QC G1S 4X4
Telephone/téléphone: 418-643-7295
Facsimile/télécopieur: 418-643-4318
Email/courriel: ministre@mrnf.gouv.qc.ca

Mr. Paul Molloy, P. Eng.
Manager, Petroleum Engineering, Energy Branch
Government of Newfoundland and Labrador
P.O. Box 8700
4th floor, 50 Elizabeth Avenue
St. John's, NL A1B 4J6
Telephone/téléphone: 709-729-6813
Facsimile/télécopieur: 709-729-2508
Email/courriel: paulmolloy@gov.nl.ca (Send documentation via Email only)

(Associations)

GH-003-2011

Mr. Nick Schultz
Vice President, Pipeline Regulation and General Counsel
Canadian Association of Petroleum Producers
2100, 350 - 7 Avenue S.W.
Calgary, AB T2P 3N9
Telephone/téléphone: 403-267-1175
Facsimile/télocopieur: 403-266-3123
Email/courriel: schultz@capp.ca

Mr. David Podruzny
Vice-President, Business & Economics and Board Secretary
Chemistry Industry Association of Canada
805, 350 Sparks Street
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-237-6215 Ext. 229
Facsimile/télocopieur: 613-237-4061
Email/courriel: dpodruzny@canadianchemistry.ca / lgebbard@canadianchemistry.ca

Mr. Bryan Gormley
Director, Policy and Economics
Canadian Gas Association
Suite 809, 350 Sparks Street
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-748-0057 ext. 315
Facsimile/télocopieur: 613-748-9078
Email/courriel: info@cga.ca

Mr. Murray Newton
President
Industrial Gas Users Association
1201 – 99 Metcalfe Street
Ottawa, ON K1P 6L7
Telephone/téléphone: 613-236-8021
Facsimile/télocopieur: 613-230-9531
Email/courriel: igua@igua.ca

Ms. Elise Herzig
President and CEO
Ontario Energy Association
45 Sheppard Avenue East, Suite 409
Toronto, ON M2N 5W9
Telephone/téléphone: 416-961-2339 ext. 227
Facsimile/télocopieur: 416-961-1173
Email/courriel: info@energyontario.ca

Mr. Gary Leach
Executive Director

Small Explorers and Producers Association of Canada
1060, 717 - Seventh Avenue SW
Calgary, AB T2P 0Z3
Telephone/téléphone: 403-269-3454
Facsimile/télécopieur: 403-269-3636
Email/courriel: info@sepac.ca

Ms. Brenda Kenny
President and CEO
Canadian Energy Pipeline Association
1860, 205 – 5th Avenue SW
Calgary, AB T2P 2V7
Telephone/téléphone: 403-221-8750
Facsimile/télécopieur: 403-221-8760
Email/courriel: info@sepa.com

Mr. Pierre Guimond
President & Chief Executive Officer
Canadian Electricity Association
350 Sparks Street, Suite 1100
Ottawa, ON K1R 7S8
Telephone/téléphone: 613-230-4762
Facsimile/télécopieur: 613-230-9326
Email/courriel: info@electricity.ca

Mr. Paul Vogel & John Goudy
Cohen Highley LLP
One London Place
255 Queens Ave., 11th Floor
London, ON N6A 5R8
Telephone/téléphone: 519-672-9330
Facsimile/télécopieur: 519-672-5960
Email/courriel: vogel@cohenhighley.com / goudy@cohenhighley.com

Mr. Kevin Avram
Coordinator
Canadian Association of Energy & Pipeline Landowner Associations
257 - 918 Albert Street
Regina, SK S4R 2P7
Telephone/téléphone: 306-522-5000
Facsimile/télécopieur: 306-949-6886
Email/courriel: admin@caepla.org

Mr. David Core
CEO and Chairman
Canadian Association of Energy & Pipeline Landowner Associations
257 -918 Albert Street
Regina, SK S4R 2P7
Telephone/téléphone: 306-522-5000
Facsimile/télécopieur: 306-949-6886
Email/courriel: admin@caepla.org

(Responsible Authorities, Federal Authorities and Other Intended Government Parties)

Mr. John Woodward
Senior Environmental Officer
Canadian Transportation Agency
Rail, Air, and Marine Disputes Directorate
15 Eddy Street
Gatineau, Qc K1A 0N9
Telephone/téléphone: 819-953-0319
Facsimile/télécopieur: 819-953-8353
Email courriel: john.woodward@otc-cta.gc.ca

Ms. Teresa LeMay
Policy Advisor
Natural Resources Canada
International Affairs
580 Booth Street, 3rd Floor, Room C 9-2
Ottawa, ON K1A 0E4
Telephone/téléphone: 613-996-5616
Facsimile/télécopieur: 613-943-5811
Email/courriel: teresa.lemay@nrcan.gc.ca

Ms. Lauren Knowles
Senior Operational Officer, Western Operations
Natural Resources Canada
Major Projects Management Office
155 Queen Street, 2nd Floor,
Ottawa, ON K1A 0E4
Telephone/téléphone: 613-996-1060
Facsimile/télécopieur: 613-995-7555
Email/courriel: lauren.knowles@NRCan-RNCan.gc.ca

Mr. Stefan Skocylas
Senior Operational Officer, Western Operations
Natural Resources Canada
Major Projects Management Office
155 Queen Street, 2nd Floor, Room: 258E
Ottawa, ON K1A 0E4
Telephone/téléphone: 613-996-1049
Facsimile/télocopieur: 613-995-7555
Email/courriel: Stefan.Skocylas@NRCan-RNCan.gc.ca

Ms. Michelle Gray
Environmental Policy Officer
Aboriginal Affairs and Northern Development Canada
Lands, Policy and Implementation
630 Canada Place, 9700 Jasper Avenue
Edmonton, AB T5J 4G2
Telephone/téléphone: 780-495-4895
Facsimile/télocopieur: 780-495-4088
Email/courriel: Michelle.gray@inca.gc.ca

Ms. Joan Calderhead
A/Manager, Environment and Natural Resources
Aboriginal Affairs and Northern Development Canada
1138 Melville Street, Suite 600
Vancouver, BC V6E 4S3
Telephone/téléphone: 604-666-9332
Facsimile/télocopieur: 604-775-7149
Email/courriel: joan.calderhead@inac-ainc.gc.ca

Mr. Tak Nakamura
Regional Environmental Assessment Coordinator
Health Canada
9700 Jasper Avenue, Suite 730
Edmonton, AB T5J 4C3
Telephone/téléphone: 780-495-2342
Facsimile/télocopieur: 780-495-2624
Email /courriel: tak.nakamura@hc-sc.gc.ca

Ms. Kitty Ma
Regional Environmental Assessment Coordinator
Health Canada
Environmental Health Program
180 Queen Street West
Toronto, ON M5V 3L7
Telephone/téléphone: 416-954-2206
Facsimile/télocopieur: 416-952-4444
Email/courriel: kitty.ma@hc-sc.gc.ca
Ms. Bev Ross

Regional Manager, EA for Major Projects
Fisheries and Oceans Canada
501 University Crescent
Winnipeg, MB R3T 2N6
Telephone/téléphone: 204-984-6080
Facsimile/télécopieur: 204-983-7983
Email/courriel: bev.ross@dfo-mpo.gc.ca

Mr. Tom Olson
Habitat Management Team Leader
Fisheries and Oceans Canada
JD Higenbotham Building Room 204
704 - 4th Avenue South
Lethbridge, AB T1J 0N8
Telephone/téléphone: 403-394-2915
Facsimile/télécopieur: 403-394-2917
Email/courriel: Tom.Olson@dfo-mpo.gc.ca

Ms. Dilhari Fernando
Director General
Fisheries and Oceans Canada
Director General's Office
200 Kent Street
Ottawa, ON K1A 0E6
Telephone/téléphone: 613-990-0287
Facsimile/télécopieur: 613-993-5085
Email/courriel: dilhari.fernando@dfo-mpo.gc.ca

Mr. Michael Engelsjord
Team Leader
Environmental Assessment and Major Project Unit
Fisheries and Oceans Canada
200-401 Burrard St.
Vancouver, BC V6C 3S4
Telephone/téléphone: 604-666-2365
Facsimile/télécopieur: 604-666-0417
Email/courriel: engelsjordM@dfo-mpo.gc.ca

Mr. John Heinonen
Hydrological Engineer
Environmental Assessment and Major Projects Unit
Fisheries and Oceans Canada
200-401 Burrard St.
Vancouver, BC V6C 3S4
Telephone/téléphone: 604-666-0126
Facsimile/télocopieur: 604-666-0417
Email/courriel: John.heinonen@dfo-mpo.gc.ca

Mr. Ross Barclay
Senior Advisor
Aboriginal Affairs and Northern Development Canada
Consultation and Accommodation Unit
300 Sparks
Ottawa, ON K1A 0H4
Telephone/téléphone : 613-944-9322
Facsimile/télocopieur: 613-944-9326
Email/courriel: Ross.Barclay@ainc-inac.gc.ca

Mr. Rob Clavering
Environmental Assessment Officer
Aboriginal Affairs and Northern Development Canada
Environmental Management
10 Wellington Street
Gatineau, QC K1A 0H4
Telephone/téléphone 819-994-6734
Facsimile/télocopieur 819-953-1885
Email/courriel : Rob.Clavering@ainc-inac.gc.ca

Mr. Timothy Archer
Senior Operational Officer, Western Operations
Natural Resources Canada
155 Queen St., 2nd floor,
Ottawa, ON K1A 0E4
Telephone/téléphone: 613-995-7545
Facsimile/télocopieur: 613-995-7555
Email/courriel: Timothy.Archer@NRCan-RNCan.gc.ca

Ms. Leslie Yasul
Environmental Assessment Coordinator
Environment Canada
Environmental Assessment South
4999-98th Avenue
Edmonton, AB T6B 2X3
Telephone/téléphone: 780-951-8731
Facsimile/télécopieur: 780-495-4099
Email/courriel: leslie.yasul@ec.gc.ca

Ms. Laura Maclean
Head, Environmental Assessment, Pacific & Yukon
Environmental Protection Operations Directorate
Environmental Stewardship Branch
Environment Canada
201- 401 Burrard Street
Vancouver, BC V6C 3S5
Telephone/téléphone: 604-666-3055
Facsimile/télécopieur: 604-666-7294
Email/courriel: laura.maclean@ec.gc.ca

Mr. Dallas Johnson, Ph.D.
Section Head
Regional Strategic Assessment
Alberta Environment
Main fl Twin Atria Building, 4999-98 Avenue
Edmonton, AB T6B 2X3
Telephone/téléphone: 780-644-8356
Facsimile/télécopieur: 780-427-7824
E-mail/courriel: dallas.johnson@gov.ab.ca

Mr. Don Watson
Reclamation Policy Specialist
Land Reclamation and Remediation
Alberta Environment
10th Floor Oxbridge Place
9820 - 106 Street
Edmonton AB T5K 2J6
Telephone/téléphone: 780 427 5553
Facsimile/télécopieur: 780-422-4192
Email/courriel: don.watson@gov.ab.ca

Ms. Sharla Hordenchuk
Manager, Environmental Review
Environmental Assessment Branch
Saskatchewan Environment
3211 Albert Street, 4th floor
Regina, SK S4S 5W6
Telephone/téléphone: 306-787-6171
Facsimile/télécopieur: 306-787-0930
Email/Courriel: sharla.hordenchuk@gov.sk.ca

Mr. Neil Turner
Regional Manager
Environmental Services
Transport Canada
620-800, Burrard St.
Vancouver, BC V6Z 2J8
Telephone/téléphone: 604-666-5370
Facsimile/télécopieur: 604-666-2961
Email/Courriel: neil.turner@tc.gc.ca

Ms. Jo-Anne Foy
Superintendant, MPMO
Transport Canada
Technical and Environmental Services
344 Edmonton Street
Winnipeg, MB R3B 2L4
Telephone/telephone: 204-984-7702
Facsimile/télécopieur: 204-983-5048
Email/courriel : jo-anne.foy@tc.gc.ca

Mr. John Mackie
Navigable Waters Protection Officer
Transport Canada
620-800, Burrard St.
Vancouver, BC V6Z 2J8
Telephone/téléphone: 604-775-8890
Facsimile/télécopieur: 604-775-8828
Email/courriel: john.mackie@tc.gc.ca

Ms. Paula Doucette
Senior Environmental Officer
Transport Canada - Programs
800 Burrard Street
Vancouver, BC V6Z 2J8
Telephone/téléphone: 604-666-5719
Facsimile/télécopieur: 604-666-8025
Email /courriel: paula.doucette@tc.gc.ca
Ms. Danielle Wensauer

Environmental Officer / Agente d'environnement
Transport Canada
800 Burrard Street
Vancouver, BC V6Z 2J8
Telephone/téléphone: 604.666.5368
Facsimile/télécopieur: 604.666.8025
Email/courriel: danielle.wensauer@tc.gc.ca

Ms. Lisa Walls
Regional Director
Pacific and Yukon Regional Office
Canadian Environmental Assessment Agency
410 – 701 West Georgia Street
Vancouver, BC V7Y 1C6
Telephone/téléphone: 604-666-6989
Facsimile/télécopieur: 604-666-6990
Email/courriel: ceaa.pacific@acee-ceaa.gc.ca