

Enbridge Northern Gateway Project

Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
18 November 2011

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Dear Sirs and Madame:

**Northern Gateway Pipelines Inc. (Northern Gateway)
Enbridge Northern Gateway Project Application of 27 May 2010
Hearing Order OH-4-2011
Haisla Nation Notice of Motion dated 28 October 2011 (Haisla Nation Motion)
Coastal First Nations Notice of Motion dated 1 November 2011 (Coastal First
Nations Motion)
Gitxaala Nation Notice of Motion dated 8 November 2011 (Gitxaala Motion)
Living Oceans Society, Raincoast Conservation Foundation, Forest Ethics
(Sustainability Coalition) Notice of Motion dated 14 November 2011 (Sustainability
Coalition Motion)**

The Joint Review Panel (Panel) for the Enbridge Northern Gateway Project (Project) has received Notices of Motion from the Haisla Nation, Coastal First Nations, Gitxaala Nation and the Sustainability Coalition.

The Haisla Nation Motion is for:

- a. an order that Northern Gateway must provide full and adequate response to those portions of Haisla Nation Information Request No. 1 identified by a fixed date;
- b. an order that Northern Gateway must provide a full and adequate response to JRP Information Request No. 4.32 by a fixed date;
- c. an order that the Northern Gateway pipeline risk assessment and supporting studies and reports be provided by a fixed date;
- d. an adjournment of proceedings until Northern Gateway has provided the information required pursuant to paragraphs a to c, above;
- e. an amendment to the Hearing Order that sets new and reasonable deadlines for information requests and written intervenor evidence, oral testimony and final hearings, once Northern Gateway has provided all the information required pursuant to paragraphs a to c, above; and
- f. such other relief as the Panel may consider appropriate in the circumstances.

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The Haisla Nation also asked for an extension of the 3 November 2011 deadline for all Intervenor and Government Participants to file the second round of information requests to Northern Gateway, pending the Panel's ruling on the Haisla Nation Motion.

The Coastal First Nations Motion is for:

- a. an order that Northern Gateway must provide full and adequate responses to those portions of Coastal First Nations Information Request #1 identified by a fixed date;
- b. an adjournment of the review of the Northern Gateway Project until Northern Gateway has provided the requested responses to the Information Requests;
- c. an amendment to the Hearing Order to set new and reasonable deadlines for Information Requests (including Information Request #2 to Northern Gateway since the deadline for filing will have passed) and written intervenor evidence, oral testimony and final hearings, once Northern Gateway has provided the required information; and
- d. such other relief as the Panel may consider appropriate in the circumstances.

The Gitxaala Motion is for an order that:

- a. Northern Gateway provide full and adequate responses to those portions of Gitxaala's Information Requests No. 1 and the Government of Canada's identified herein (the "Information Requests") by a fixed date;
- b. Northern Gateway provide copies of the pending studies referenced in its various responses to information requests from Gitxaala and the Government of Canada, as identified herein (the "Pending Studies");
- c. Northern Gateway's application be stayed until Northern Gateway provides full and adequate responses to the Information Requests and copies of the Pending Studies;
- d. leave be granted to Gitxaala and other parties to make further information requests to Northern Gateway once Northern gateway has provided full and adequate responses to the Information Requests and copies of the Pending Studies;
- e. the commencement of hearings for Northern Gateway's application be adjourned from January 2012 to provide sufficient time for Northern Gateway to provide full and adequate responses to the Information Requests and copies of the Pending Studies, and for Gitxaala and other parties to make additional information requests after receiving those responses and the Pending Studies;
- f. the Hearing Order be amended to set new and reasonable timelines for further information requests, written intervenor evidence, oral testimony, community hearings and final hearings once Northern Gateway has provided full and adequate responses to the Information Requests and copies of the Pending Studies; and
- g. such further and other order as the Joint Review Panel deems appropriate in the circumstances.

The Sustainability Coalition Motion is for:

- a. an order that Northern Gateway provide full and adequate responses to those portions of Living Oceans Society, Raincoast Conservation Foundation and Forest Ethics Information Request No. 1 identified herein by a fixed date;
- b. an order that the review of the Northern Gateway Project be adjourned until Northern Gateway has provided the requested responses to the Information Requests detailed herein;
- c. an order that the Hearing Order OH-4-2011 (the Hearing Order) be amended to set new and reasonable deadlines for the submission of intervenor written evidence, community hearings, information requests to intervenors, replies to information requests and final hearings, consistent with the fixed date established in a. above;
- d. such other relief as the Panel may consider appropriate in the circumstances.

Before ruling on the above Motions, the Panel will allow parties to comment on them. Intervenors, other than the intervenor filing a particular Motion, and Government Participants may file comments by 30 November 2011. Northern Gateway may file comments by 9 December 2011. The Haisla Nation, Coastal First Nations, Gitxaala Nation and Sustainability Coalition may file reply comments on their respective Motions by 20 December 2011. All filings are due by noon Mountain time.

To the extent that Northern Gateway is directed to provide additional information as a result of these Motions:

- The Haisla Nation, Coastal First Nations, Gitxaala Nation and Sustainability Coalition will be allowed to file information requests regarding the additional information obtained notwithstanding the 3 November 2011 deadline; and
- Intervenors and Government Participants will be allowed to file additional written evidence after the 22 December 2011 deadline provided that it directly responds to the additional information resulting from the Panel's rulings on these Motions.

All other written evidence from Intervenors and Government participants is due on 22 December 2011 as provided in the Hearing Order.

Parties may include, in their submissions, comments on the length of any deadline extensions contemplated by this letter.

Should you have any questions, please contact Mr. Andrew Hudson, Legal Counsel at 403-299-2708.

Yours truly,

A handwritten signature in blue ink, appearing to read 'L. George', with a stylized flourish at the end.

L. George
Acting Secretary to the Joint Review Panel