

Enbridge Northern Gateway Project Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
3 December 2012

Ms. Joy Thorkelson
United Fishermen and Allied Workers' Union - CAW
869 Fraser Street
Prince Rupert, BC V8J 1R1

Dear Ms. Thorkelson:

**Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Hearing Order OH-4-2011
Notice of Motion filed by United Fishermen and Allied Workers' Union - CAW
dated 22 November 2012
Ruling no. 128**

The Joint Review Panel (Panel) for the Enbridge Northern Gateway Project is in receipt of a motion filed by the United Fishermen and Allied Workers' Union – CAW dated 22 November 2012. The motion asks the Panel for an order directing Northern Gateway to “[c]arry out a socio-economic environmental assessment of impacts of the pipeline on the commercial fishing industry.” The motion states that such an assessment would include:

- Impacts and risks from routing, construction, operation and malfunctions/accidents including spills;
- Olfactory impacts of any substances leaked into and alterations to the watercourse bed; and
- An in-depth analysis of four scenarios at specific locations similar to the EHHRA.

The Panel set out the criteria for late filing of any documents in Section 4 of the Hearing Order. In considering the criteria, the Panel believes that while the information obtained through such an assessment could be useful, sufficient information on this topic is already on the record. Further, there is a potentially lengthy time frame associated with undertaking such an assessment and the motion does not specify why this motion was not brought earlier. The Panel is of the view that the prejudice to parties by directing the preparation of such an assessment and admitting the resulting evidence on the record at this stage of the hearing greatly outweighs any probative value it may have.

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For these reasons, the motion is denied.

Should you have any questions, please contact Ms. Carol Vats, Legal Counsel at 403-299-3643 or 1-800-899-1265.

Yours truly,



Sheri Young
Secretary to the Joint Review Panel

