

# Enbridge Northern Gateway Project

## Joint Review Panel

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

Mr. Michael Reid  
ENGP Project Community Consultation Coordinator  
(on behalf of) Gitga'at Nation  
445 Hayimiisaxaa Way  
Hartley Bay, BC V0V 1A0

Dear Mr. Reid:

**Northern Gateway Pipelines Inc. (Northern Gateway)  
Application for the Enbridge Northern Gateway Project  
Hearing Order OH-4-2011  
Notice of Motion filed by the Gitga'at Nation (Gitga'at) on 6 December 2012  
Ruling no. 132**

On 6 December 2012, the Joint Review Panel (Panel) for the Enbridge Northern Gateway Project received a motion filed by the Gitga'at (Motion). The Motion requests that the Panel grant the Gitga'at an extension until Friday, 18 January 2013 to respond to the Panel's 16 November 2012 request for comments regarding the Gitxaala Nation's (Gitxaala) Notice of Constitutional Question (NCQ).

Through its letter of 16 November 2012, the Panel advised that prior to finalizing any schedule to hear the constitutional questions raised by the Gitxaala, the Panel would accept comments on a number of specific questions.

In support of the Motion, the Gitga'at advised that their resources are already strained by the joint review process and the deadlines imposed did not allow for adequate time to review the questions set out by the Panel, and determine how to respond. The initial deadline for parties to provide comments was 7 December 2012.

The Panel notes that parties will have a further opportunity to argue the merits of the NCQ (or any other constitutional questions), later in the process. As noted by the Panel in its letter of 16 November 2012, the input sought is in advance of a schedule being established to hear the constitutional questions raised.

The Panel further notes that any significant extension to the deadline set would delay any final decision on a schedule for the NCQ.

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-2-

Based on the above, the Panel denies the Motion for an extension until 18 January 2013. The Panel will allow the Gitga'at a brief extension, and will accept any comments the Gitga'at may have on the questions raised, on or before 7 January 2013.

The Panel will accept any reply comments that the Gitxaala may have specifically on the Gitga'at's comments, on or before 9 January 2013.

Should you have any questions, please contact Mr. Andrew Hudson, Legal Counsel at 403-299-2708 or 1-800-899-1265.

Yours truly,



for  
Sheri Young  
Secretary to the Joint Review Panel