

# Enbridge Northern Gateway Project

## Joint Review Panel

(A49795)

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

Mr. Mike Ridsdale  
EA Coordinator  
Office of the Wet'suwet'en  
205 Beaver Road, Suite 1  
Smithers, BC V0J 2N1

Dear Mr. Ridsdale:

**Northern Gateway Pipelines Inc. (Northern Gateway)  
Application for the Enbridge Northern Gateway Project  
Hearing Order OH-4-2011  
Notice of Motion filed by the Office of the Wet'suwet'en dated 4 December 2012  
Ruling no. 133**

The Joint Review Panel (Panel) for the Enbridge Northern Gateway Project (the Project) is in receipt of a motion filed by the Office of the Wet'suwet'en dated 4 December 2012 (the Motion). The Motion asks the Panel to permit the late filing of an attached decision of the B.C. Supreme Court dated 25 May 2011, *Canadian Forest Products Inc. v. Sam*, 2011 BCSC 676.

The Motion states that:

1. The Wet'suwet'en are impacted by the Project as it traverses 170 km of Wet'suwet'en traditional territory;
2. The decision was not filed by the 4 January 2012 deadline for filing written evidence as "the appeal process for this case would be jeopardized"; and
3. The decision speaks, in a manner suitable for non-experts, to the connection between the Wet'suwet'en and their traditional territories, and the roles and responsibilities of House groups in relation to the traditional territories.

The Panel set out the criteria for late filing of any documents in Section 4 of the Hearing Order. The Panel notes that the Motion does not explain how witnesses for the Office of the Wet'suwet'en could answer questions relating to this document as it was not authored by or for them. Further, the Panel is of the view that reported case law cannot constitute evidence of a party, though all parties are free to refer to case law during final argument.

For these reasons, the motion is denied.

.../2



National Energy Board  
Office national de l'énergie

Canada

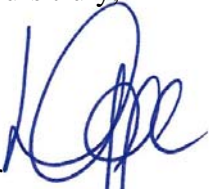


Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale

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

Yours truly,



for  
Sheri Young  
Secretary to the Joint Review Panel