

Enbridge Northern Gateway Project

Joint Review Panel

(A49796)

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

To: All Parties to Hearing Order OH-4-2011

**Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Hearing Order OH-4-2011
Notice of Motion filed by the Council of the Haida Nation
Ruling no. 134**

On 4 December 2012, the Joint Review Panel (Panel) for the Enbridge Northern Gateway Project (Project) received a Notice of Motion (Motion) from the Council of the Haida Nation (CHN), requesting an order as follows:

- a) An order allowing the Council of the Haida Nation to file as late evidence the attached book titled:
“Ott, R., Sound Truths and Corporate Myth\$ - The Legacy of the Exxon Valdez Oil Spill, Dragonfly Sisters Press, Cordova, Alaska, USA, © 2004”.

The Panel had held community hearings in Massett on Haida Gwaii on 28 and 29 February 2012. At those hearings the representatives of the Haida Nation provided the Panel oral testimony.

The Motion stated that Dr. Riki Ott is not Haida but nevertheless, was invited by the CHN to speak at the Massett (Haida Gwaii) oral hearing in February 2012.

At that time, the CHN had attempted to file by motion some material which Dr. Riki Ott wanted to use as part of her presentation.

The Panel denied that motion (e-file ID: A2Q5F5) orally at the 28 February 2012 hearing in Massett (Panel Ruling).

In response to the Panel Ruling, the CHN and Dr. Riki Ott have since reviewed that submission, and here seek to have the above book written by Dr. Riki Ott filed as evidence. This book is distinct from the evidence that the CHN sought to file, which was subject of the Panel Ruling.

Decision

The Panel notes that the book that the CHN seeks to file does not relate directly to this Project, but rather is more of an investigative and interpretative history. The Panel is of the view that Dr. Ott's book is not sufficiently relevant, or of probative value to the relevant issues in this proceeding.

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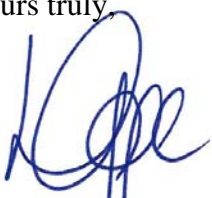
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The Panel further notes that the book was published in 2004 and that Dr. Ott gave oral evidence on behalf of the CHN in February 2012. Dr. Ott's book could therefore have been filed prior to the deadline for written evidence – or in any event, much earlier in the process. The Panel is not persuaded by the reasons given by CHN for this late filing. Further, the Panel is of the view that to allow it to be filed at this late date would create prejudice for other Parties in this proceeding.

For these reasons, the Panel denies the motion.

If 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