

Enbridge Northern Gateway Project

Joint Review Panel

File OF-Fac-Oil-N304-2010-01 01
20 February 2013

Ms. Josette Wier
4259 McCabe Road
Smithers, BC V0J 2N7

Northern Gateway Pipelines Inc. (Northern Gateway)
Application for the Enbridge Northern Gateway Project
Hearing Order OH-4-2011
Notice of Motion #20 filed by Ms. Josette Wier - Ruling 144

On 15 February 2013, Ms. Wier filed a motion requesting that the Panel order Northern Gateway:

1. to explain why they do not present an expert witness on human health effects of oil spills at the Kitimat River Panel; and
2. to explain why the status of Mr. Yee --who wrote the report on human health effects [in exhibit] B80-3-- changed from purported to be expert witness, to support witness only, to two witnesses who have already testified they had no expertise in human health effects of oil spills.

In Ruling no. 89 on a motion filed by the Haisla Nation, the Panel ruled that Northern Gateway witnesses (the Kitimat River Valley Panel) would respond to questions on Northern Gateway's Ecological and Human Health Risk Assessment (EHHRA) and two other Northern Gateway reports in Prince Rupert rather than in Prince George. The ruling allowed time for the Haisla to ask and receive responses to further information requests about the three reports. In the end, those witnesses also appeared in Prince George and some parties, including Ms. Wier, questioned them at that time.

Ms. Wier asked questions on human health of two of the three authors of the EHHRA who were on that witness panel but was informed that the author of the human health provisions was a support person for the panel who was not in the room that day. That author is Mr. Dennis Yee who is also scheduled to be a support person when the Kitimat River Valley Panel appears in Prince Rupert. As has been done before, he could be sworn in to allow Ms. Wier to ask him questions on human health matters addressed in the EHHRA. Ms. Wier indicates in her motion that Northern Gateway has confirmed to her that Mr. Yee will be available for her to examine when the Kitimat River Valley Panel is presented in Prince Rupert. That is the Panel's understanding as well.

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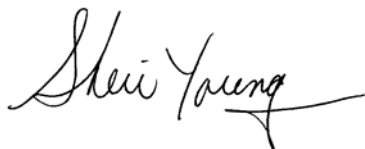
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Since Northern Gateway has indicated that Mr. Yee will be a witness available for Ms. Wier to question, no further explanation is required from Northern Gateway at this time and the motion is dismissed.

The Panel notes that Ms. Wier has been provided with a copy of Mr. Yee's curriculum vitae. Further the Panel understands that the curriculum vitae will be posted in the normal course, prior to Mr. Yee being sworn in and answering questions as an expert witness.

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

Yours truly,

A handwritten signature in cursive script that reads "Sheri Young". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Sheri Young
Secretary to the Joint Review Panel

c.c. All Parties to Hearing Order OH-4-2011