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Aug 3, 2012

Attention: Ms. Sheri Young, Secretary to the Joint Review Panel Enbridge Northern Gateway Project and Mr. James Shaw, General Counsel, Prairie Region Department of Justice Canada

Secretary to the Joint Review Panel
Enbridge Northern Gateway Project
444 Seventh Avenue S.W.
Calgary, Alberta
T2P 0X8

**Re: Hearing Order OH-004-2011
Enbridge Northern Gateway Project**

Response to Mr. James Shaw letter dated July 25, 2012 and Ms. Sheri Young letter dated Aug 1, 2012.

Re: Request to participate in questioning phase of the final hearings:

Thank you to Mr. Shaw for accepting the late filing of the request to question Government Participants and for consideration of my office's vacation scheduling. I request that the Panel do the same as my request is in the absence of prejudice as it is only due to administrative delay. I include the information required by section 8.9 of the Hearing Order below.

The nature of the questions:

- 1) **Gateway:** safety record, liability coverage, diluted bitumen regulations and clean up potential, concerns addressed in July 2012 report by The National Transportation Safety Board (NTSB) of the United States of America, re: oil spill in Kalamazoo River, Marshall Michigan, particularly concerns related to control center;
- 2) **Environment Canada:** new versus old environment assessment threshold;
- 3) **Fisheries and Oceans Canada:** application of fisheries act, net loss, habitat protection, water crossings;
- 4) **Transport Canada:** independence of review of application, regulations on diluted bitumen compared to conventional oil;
- 5) **National Resources Canada:** project promotion abroad, carbon pricing implications under government climate change plan.

The relevance of the questions to the proceedings:

These questions are relevant to the proceedings to determine the safety of the project, the changes to the potential effects of the project in light of recent legislative changes, the effectiveness of this review, and the environmental risks in general. They are also relevant to bring all necessary information to the Panel's attention, some of which has come to light only in recent months.

Why fairness requires the questions:

As the only intervenor who is a Member of Parliament, and as the Member from the federal riding most affected by this project, it is essential that I am granted leave to ask these questions of the applicant and these federal government departments on behalf of my constituents. I am also entitled to test the evidence submitted to the Panel by the five aforementioned parties, and offer evidence that may counter it in order to ensure the Panel is provided with fully informed evidence.

I would like to question all the above in Prince Rupert, if logistically possible, and request that the Panel assign me to the appropriate witness panels based on the nature of my questions. I would like to question these parties 2 hours each, for a total of 10 hours.

List of witnesses

The list of witnesses includes all experts that have authored reports that I submitted as written evidence December 21, 2011. It is taking some time, particularly during the summer months, to contact each author and confirm that they can be a witness. Below, I state which witnesses are confirmed and which are pending confirmation. I will be sure to contact the panel once again with final confirmation as soon as possible. If these witnesses are required to appear, please assign them to appropriate witness panels. Some may only be available by telephone. Please note some of the witnesses stated here are already appearing before the Panel as witnesses with other parties.

- 1) Mr. Gil McGowan, Alberta Federation of Labour (confirmed): Alberta Federation of Labour. *Lost Down the Pipeline: In these difficult economic times, is the Alberta government doing enough to keep value –added oil-sands jobs in Canada?* March 2009. <http://www.focusonsocialism.ca/upload/LostDownPipeline.pdf>
- 2) Pending confirmation: Brown, Greg, Jeremy Moorhouse, and Jennifer Grant. *Opening the Door for Oil Sands Expansion: The Hidden Environmental Impacts of the Enbridge Northern Gateway Pipeline.* The Pembina Institute. December 2009. <http://pubs.pembina.org/reports/gateway-upstream-fs.pdf>
- 3) Pending confirmation: Canada. Office of the Auditor General of Canada. *Report of the Commissioner of the Environment and Sustainable Development.* December 2011. http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201112_e_36027.html
- 4) Pending confirmation: EnviroEmerg Consulting Services. *Major Marine Vessel Casualty Risk and Response Preparedness in British Columbia.* July 2008. http://bcwaters.org/LOS_marine_vessels_report.pdf
- 5) Pending confirmation: Lemphers, Nathan. *Pipeline to Nowhere? Uncertainty and unanswered questions about the Enbridge Northern Gateway pipeline.* The Pembina Institute. December 2010. <http://pubs.pembina.org/reports/pipelinetonowhere-final-withcover.pdf>
- 6) Pending confirmation: Levy, David. A. *Pipelines and Salmon in Northern British Columbia: Potential Impacts.* The Pembina Institute. October 2009. <http://pubs.pembina.org/reports/pipelines-and-salmon-in-northern-bc-report.pdf>
- 7) Pending confirmation: Living Oceans Society. *Shipping on the British Columbia Coast. Current Status, Projected Trends, Potential Casualties, and Our Ability to Respond: A Briefing Report.* 2011. <http://www.livingoceans.org/sites/default/files/reports/ShippingBriefing.pdf>
- 8) Pending confirmation: Living Oceans Society. *Tanker Technology: Limitations of Double Hulls.* 2011. <http://www.livingoceans.org/sites/default/files/reports/Limitations%20of%20Double%20Hulls.pdf>

- 9) Dr. Paul Paquet, Raincoast Conservation Foundation (confirmed): Raincoast Conservation Foundation. *What's at Stake? The Cost of Oil on British Columbia's Priceless Coast*. 2010. http://www.raincoast.org/files/WAS_report/whatsatstake_vers.04-10.pdf
- 10) Pending confirmation: Rutherford, Susan. *Putting the Assumptions to the Test*. Living Oceans Society and David Suzuki Foundation. 2009. http://www.livingoceans.org/sites/default/files/reports/Regulations_10.pdf
- 11) No particular witness available, public document: Save the Fraser Declaration. Gathering of Nations. December 2010. http://savethefraser.ca/fraser_declaration.pdf
- 12) No witness required. Mr. James Schwab will speak to this report with the Northwest Institute: Schwab, James W. *Hillslope and Fluvial Processes Along the Proposed Pipeline Corridor, Burns Lake to Kitimat, West Central British Columbia*. Bulkley Valley Research Centre. September, 2011. http://bvcentre.ca/files/research_reports/11-03Schwab_Pipeline-geomorphology_Sept2011.pdf
- 13) Mr. Anthony Swift, NRDC (confirmed): Swift, Anthony et al. *Pipeline and Tanker Trouble: The Impact to British Columbia's Communities, Rivers, and the Pacific Coastline from Tar Sands oil Transport*. The Pembina Institute http://beta.images.theglobeandmail.com/archive/01347/Environmental_repo_1347488a.pdf
- 14) Mr. Anthony Swift, NRDC (confirmed): Swift, Anthony et al. *Tar Sands Pipelines Safety Risks*. Natural Resources Defense Council et al. 2011. <http://www.nrdc.org/energy/files/tarsandssafetyrisks.pdf>
- 15) Pending confirmation: Van Hinte, Tim, Thomas I. Gunton and J. C. Day "Evaluation of the assessment process for major projects: a case study of oil and gas pipelines in Canada." *Impact Assessment and Project Appraisal*. 25.2 (June 2007): 123-37. http://commdev.org/files/1710_file_s5.pdfIII.pdf
- 16) Mr. Nathan Cullen, MP Skeena-Bulkley Valley (confirmed): House of Commons Petitions, "A Call to protect British Columbia's waters from oil disaster." 2010 and 2011.

Sincerely,



Nathan Cullen, MP
Skeena-Bulkley Valley