

Mary McCreadie, Coordinator
Alternatives North coalition
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Yellowknife, NT
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March 7, 2006

Dear Ms. McCreadie,

The Joint Review Panel (Panel) has considered the Motion from Alternatives North coalition dated February 10, 2006 requesting that the Panel issue an order on four matters related to teleconference participation by Parties in the Panel's review of the Mackenzie Gas Project (the "Motion").

The Panel has also considered submissions on the Motion from:

- Canadian Arctic Resources Committee (February 21, 2006)
- Canadian Parks and Wilderness Society (February 21, 2006)
- Imperial Oil Resources Ventures Limited (February 20, 2006)
- Nature Canada (February 21, 2006)
- Sierra Club of Canada / World Wildlife Fund of Canada (February 21, 2006)

Finally, the Panel has considered your rebuttal dated February 25, 2006.

The Motion from Alternatives North coalition requested the Panel to issue the following Order:

- 1) An Order that technical experts may appear at technical hearings via teleconference.
- 2) An Order that interveners or their representatives may appear at topic specific general hearings via teleconference.
- 3) An Order to recognize that the Joint Review Panel, via teleconference, has the full opportunity to verify any expert witness' qualifications and to receive affirmation of the experts witness' opinions, directly from them.
- 4) An Order to recognize that via teleconference, expert witnesses may participate in questioning other Parties' technical experts or, if presented, the Panel's specialist advisors. (together referred to hereafter as the "Order")

Alternatives North coalition declared that the basis for its motion was the passage in the Procedural Update issued by the Joint Review Panel on February 2, 2006 that states:

If a technical expert is not physically present at a Technical Hearing the opportunity to present technical evidence at that Hearing will be foregone. Because the Panel will not be able to verify the qualifications of the experts or receive affirmation of the experts' opinions directly from them if they are not present at the hearing, the Panel may place less

weight on any written submission that may have been filed as expert evidence. The expert will not be able to participate in the questioning of other Parties' technical experts or, if presented, the Panel's specialist advisors.

Alternatives North coalition set out in its Notice of Motion facts it considered relevant to the motion including funding limitations, stated desire of some interveners to contribute information to the hearings, precedent and technical capability. The Notice of Motion also referenced statutes and agreements that bear on the Panel's jurisdiction and mandate, particularly as they relate to the high value placed on timely and meaningful public participation throughout the environmental assessment review process.

Imperial Oil Resources Ventures Ltd. noted that the Motion

does not seek a special accommodation for a person intending to represent the Alternatives North coalition at a scheduled hearing. Instead, the Motion requests a blanket order allowing any intervenor and any technical expert to choose, for any reason, to participate in the hearings by way of teleconference.

Alternatives North coalition disagreed with this statement. In its letter of February 25, 2006 it stated

The proponent also states we request a blanket order in our Notice of Motion. Clearly this is not the case. The Notice of Motion uses the word 'may' which means expressing possibility or permission.

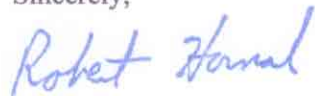
In light of Rule 55, which already provides the Panel with authority to exercise its discretion in relation to participation by way of teleconference, the Panel is of the view that there is ambiguity in what the Alternatives North coalition Motion is requesting. To the extent that the request for the Order is intended to oblige the Panel to permit teleconference participation by any Party in any hearing, the Panel denies the Motion.

In its February 2nd Procedural Update, the Panel stressed the importance of personal attendance at all of its review hearings. The hearings are an opportunity for the public to participate actively in the review process. The full benefit of that participation is best experienced by being physically present in the room with all of the Parties involved in the review process. The Panel is of the view that it is important for all Parties to see and hear and feel for themselves the behaviour and interactions among participants in the hearing room. It is particularly important for the Panel members who are themselves personally present and who are charged with the responsibility of reaching a determination and reporting to the parties to the Joint Review Panel Agreement. This would not be possible if a number of Parties decided to participate by teleconference rather than attend a hearing in person. It is for this reason that the Panel exercised its discretion under Rule 55 to require technical experts to be physically present during the technical hearing in which they would be making a presentation.

The Panel is still of the view that participation in a hearing by being personally present in the hearing room is the most effective form of participation both for the Party and for the Panel. However, having considered the submissions to the Motion by the Parties referred to above, the Panel is prepared to consider individual, specific applications from those Parties whose

representatives, in exceptional circumstances and for valid reasons, are unable to attend a particular scheduled hearing.

Sincerely,



Robert Hornal
Joint Review Panel Chair

c.c. Minister of the Environment, Government of Canada
Mackenzie Valley Environmental Impact Review Board
Inuvialuit Game Council