

May 30, 2006

D'Arcy Moses
Protected Area Strategy Coordinator
Pehdzeh Ki First Nation
General Delivery
Wrigley, NT X0E 1E0

via facsimile: (867) 581-3229

Dear Mr. Moses,

Further to oral confirmation of the results of the Panel's ruling on the Motion made at the Community Hearing held in Wrigley May 11, 2006, the written ruling follows.

The Joint Review Panel (Panel) has considered the letter of May 2, 2006 from Chief Gabe Hardisty requesting the Panel make a ruling "to declare portions of the Pehdzeh Ki First Nation (PKFN) traditional knowledge (TK) report regarding the potential impacts of the proposed Mackenzie Gas Project (MGP) to be confidential." (the Motion). The Panel has also reviewed the copy of the Pehdzeh Ki First Nation Traditional Knowledge Report (Report) submitted to the Panel in confidence in response to the Panel's request of May 4, 2006.

The Panel considers that the sections of the Report, and the maps, for which confidentiality is sought, contain substantial site-specific information, which the Panel regards as sufficiently sensitive to warrant the granting of confidentiality order, in accordance with the Panel's *Criteria for Confidentiality Orders for Traditional Knowledge Study Reports* (Criteria), released in November, 2005.

The Panel notes that the portions of text for which confidentiality is sought also contain material that, on its own, would not qualify for the protection of a confidentiality order. However, the Panel is of the view that it would not be practical to separate such material. The Panel has, therefore, decided to grant a confidentiality order with respect to all of the material included in pages 33 through 121 and pages 124 through 128 of the Report.

In accordance with its Criteria, the Panel has also considered the effects on the public interest in an open and accessible Panel process of issuing a confidentiality order in this case. The Panel notes that, by letter dated May 4, 2006, all Parties were provided an opportunity to comment on the PKFN's Motion for a Confidentiality Order and that no comments were received by the Panel.

The result of the foregoing is that the Panel hereby grants a confidentiality order with respect to:

- Sections 'Ti K'ee Ti Deh (Blackwater River)' through 'General Information Requirements' (pages 31 through 106) and Appendix D: Ground Truthing Summary, and

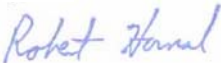
- Maps PKFN-TK004a and 4b, PKFN-TK-005a and 5b, PKFN-TK-006a and 6b, PKFN-TK-007a and 7b, and PKFN-TK-008a and 8b.

In its Motion, the PKFN also requested that “At the conclusion of the deliberation of the JRP, all copies of the PKFN TK Report provided to the JRP must be returned to the PKFN in a sealed envelope.” Once a document has been submitted to the Panel, it is filed on the Public Registry and becomes part of the record the Panel relies on in its deliberations and in making its recommendations. At the termination of the Panel’s role, the entire Public Registry is transferred to the *Canadian Environmental Assessment Agency*. The Panel will receive copies of the Report with confidential material omitted that will be placed on the Public Registry in accordance with the instructions set out below. The copy of the document that is to be kept confidential will be retained in confidence by the Panel and returned to the PKFN following termination of the Panel’s proceedings.

The Panel will be returning the copy of the Report that was filed with it May 8th in its entirety and directs the PKFN to file with the Panel four (4) hardcopies of the Report with the confidential portions deleted, suitable for filing on the Public Registry of the Panel. The PKFN is further directed to file with the Panel a complete copy of the Report with **each page** of the confidential sections clearly stamped **CONFIDENTIAL** (without obscuring the text or illustrations).

In making this ruling, the Panel does not necessarily endorse all elements of the rationale set out in the Motion.

Sincerely,



Robert Hornal
Joint Review Panel Chair