

March 19, 2007

To: All Parties to the Environmental Impact Review being conducted by the Joint Review Panel for the proposed Mackenzie Gas Project

**RE: Updated Public Hearings Schedule**

The Joint Review Panel (the Panel) has considered its schedule for the remainder of its public hearings and is providing this update.

On November 10, 2006, a Judgment issued by Justice Phelan of the Federal Court of Canada, in a court challenge initiated by the Dene Tha' First Nation concerning the proposed Mackenzie Gas Project (MGP), prevented the Panel from considering, in the course of its hearings, evidence on matters involving the Connecting Facilities in northern Alberta or the territory in which the Dene Tha' First Nation have or have asserted aboriginal or treaty rights. This order had the effect of requiring the Panel to postpone several of its scheduled hearings. Justice Phelan modified the original order on January 30, 2007 to permit the Panel to address subject matters and complete hearings previously deferred. The Panel continues to be restrained by the court order that prohibits the Panel from issuing its final report until otherwise permitted by the court.

On March 12, 2007, the Proponent filed a letter with the Panel that provided an updated cost estimate and schedule for the Project and associated adjustments and refinements to the Project. The Proponent intends to file, in May 2007, an update of the Project, describing Project adjustments and refinements, and the assessment of the biophysical and the socio-economic impacts affected by these changes. The Panel will, after assessing the details of the Proponent's proposed changes to the Project, determine whether there is a need for further Information Requests or hearings to ensure that these changes and their potential effects are fully taken into account.

In the interim, the Panel is scheduling some hearings now and setting out the process it intends to follow once it has assessed the information in the update of the Project.

**Scheduled Hearings**

Hearings that are being scheduled for specific dates at this time include hearings on matters of Environmental Management Plans, Monitoring and Follow-up Programs (Topic 14) and completion of the Harvesting and Other Land Use (Topic 12) hearing on Timber (see specific dates in the attached schedule). The Panel has also scheduled two Community Hearings which were previously deferred, in Aklavik and Tuktoyaktuk.

**Conclusion of the Public Hearing Phase of the Panel's Environmental Impact Review**

Once the Panel has completed its review of the update of the Project it will convene hearings on the following topics:

- Cumulative Impacts (Topic 15)
- Sustainability and Project Contributions (Topic 16)
- Recommendations (Topic 17)
- Closing Remarks (Topic 18)

The *Guidance Document for Hearings* (revised March 19, 2007, see attached) provides updated information about the scope of these topics and associated subject matter that the Panel expects to hear during these sessions. To assist the Panel in planning the number of days required for these hearings, all Parties who intend to participate in these hearings are asked to notify the Panel Manager in writing by **April 23, 2007**.

The Panel wishes to draw particular attention to the Recommendations (Topic 17) hearing session which the Panel considers to be an important component of its review. Parties (registered Interveners and the Proponent) will have an opportunity to file written submissions setting out the conditions they would recommend if the Project were to proceed. To this end, the Panel has taken into consideration the time participants will require to prepare their submissions, and to address the recommendations submitted to the Panel to date that are now in excess of 1,000. The Parties will have two weeks following the conclusion of the Topic 16 hearing session to submit their recommendations. The Parties will have three (3) weeks to review the submissions of others and to file their written responses on the recommendations of the other Parties. A further one (1) week will be allowed for Parties to review the responses of others and to prepare their remarks for their presentation at the Recommendations (Topic 17) hearing. Please see the *Guidance Document for Hearings* (revised March 19, 2007, see attached) for further detail.

The Closing Remarks (Topic 18) hearing session is now intended to provide Parties with an opportunity to present their final remarks in a summary fashion. This session will be reserved for the closing remarks of Parties only. Persons who are not registered Interveners and who wish to file final written comments will have to do so two (2) weeks prior to the Closing Remarks (Topic 18) hearing session. This will be the final date by which persons who are not registered Interveners will be allowed to file written material with the Panel.

All Parties who wish to make closing remarks, regardless of whether they intend to attend the Topic 18 Closing Remarks hearing, must do so in writing. The deadline for filing closing remarks will be two (2) weeks after completion of the Recommendations (Topic 17) hearing session (note that this filing deadline represents a change to Rule 69 of the Panel's *Directions on Procedures for Hearings*).

The Closing Remarks hearing session will conclude the Panel's public hearings phase. At the end of this hearing, the Panel's record will be closed subject only to filings that may be required to comply with outstanding undertakings. Information received thereafter will not be considered by the Panel.

The Panel remains committed to completing the public hearings phase of its review in a manner that is comprehensive, fair and transparent. The Panel also recognizes the high level of public interest in the subject matter to be addressed in the remaining hearings, as well as the scope and complexity of the associated issues. The Panel has taken this level of interest and complexity into consideration in designing the final sessions of its public hearings phase.

Sincerely,



Robert Horal  
Joint Review Panel Chair

Attachments      Schedule for the Public Hearing Phase of the Environmental Review of the Proposed Mackenzie Gas Project (revised March 19, 2007)  
Summary of Deadlines for Joint Review Panel Hearings (revised March 19, 2007)  
*Guidance Document for Hearings* (revised March 19, 2007)