



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

PRE-HEARING CONFERENCE SUMMARY NOTES

Enbridge Pipelines (NW) Inc.
MV2017L1-0002 & MV2017P0013

1) Introductions

In Person:

Rebecca Chouinard – MVLWB Executive Director
Shelagh Montgomery – MVLWB Regulatory Manager
Angela Plautz – MVLWB Regulatory Policy Advisor
Angela Love – MVLWB Regulatory Specialist
Lorraine Seale – GNWT-Lands
Tamika Mulders – GNWT-Lands
Kate Witherly – GNWT-ENR
Laurie McGregor – GNWT-ENR
Simone Tielesh – GNWT-Justice (Legal)
Duncan Purvis – Enbridge (Legal)
Ramona Salamucha – Enbridge (Legal)
Sarah McKenzie – Enbridge
Brian Chambers – NEB
Daniel T'seleie – Liidlii Kue First Nation (Legal)

On the Phone:

John Donihee – MVLWB Legal Counsel
Adrian Paradis – CANNOR
Alex Lynch – GNWT-ENR (Sahtu Region)
Bernard Park – GNWT-ITI (Oil and Gas Specialist – Inuvik)
Sandy Campbell – Imperial Oil (observer)
Carrie Breneman – Dehcho First Nations
Lorraine Land – Liidlii Kue First Nation (Legal)

2) Hearing logistics and representatives

- Dates and Locations: October 27 (and possibly the 28), 2017, 9:00 a.m. – 5:00 p.m., Fort Simpson, NT.
 - **Question:** When will we know if the 28th will be needed?
 - MVLWB will try to have certainty on this well in advance (possibly once the Interventions are filed)
- Teleconference line will be available; please contact Angela Love if anticipating you will need the line.
 - If anything changes regarding teleconference needs or in-person attendance, please let Angela Love know prior to the Hearing.
 - Teleconference line will still be available for call-in/listening purposes.
- Number of participants, anticipated time required for presentations:

Party	Expected number of participants?	Expected time required for presentation?	Notes
Enbridge	5-6 + counsel	Not very long <1 hr	- Don't think they'll need a phone line - No expert witnesses at this time
LKFN	2 legal counsel Several leaders/staff and other experts	Can be around 30 min to 3-4 hours	- Will know more after September 25
GNWT	Min of 4/5 + legal Might have people available by phone	~15 minutes	- Will be speaking on what's been submitted to date
NEB	Not participating, but may have staff who stay through the week attend	N/A	- Observers
CANNOR	~1 person	N/A	- Observers - No presentations - No phone line
Imperial	1-2 people	N/A	- Observers - No phone line
DFN	Similar to LKFN	Minimum of 30 min	- Presentation time will fluctuate depending on what gets resolved before hand - No phone line
MVLWB	6-7	N/A	

Question: Will SKFN participate?

- MVLWB has not heard from them, but Interventions are due Sept 29
- Presentations should highlight the key parts of the written submissions; no new evidence should be provided.

3) Hearing structure and format

- Look to the Board's Rules of Procedure
- Scope of matters considered by the MVLWB will be limited to the MVLWB's jurisdiction. Evidence considered will entail what is filed with the MVLWB's proceedings
 - The scope is included in the Work plan
- MVLWB will be holding a separate process from the NEB
- Any evidence parties wish the Board to consider will need to be made available to the MVLWB
 - Oral presentations will need to be made in front of our Board or transcripts from the NEB Hearing filed as evidence with the MVLWB

Comment:

- LKFN is still looking to potentially call the applications to the Review Board through the DFN agreement with the federal government (there is a meeting on September 25 which will list out any issues that are unresolved)

4) Procedural and legal details

- Process is framed by the Rules of Procedure

- Agenda will be sent out; typical order of events: Enbridge will start with their presentation followed by questions from interveners, public, and the Board, then presentations from interveners followed by questions and so forth
 - The Board aims to maintain flexibility in its process while maintaining procedural fairness for all parties
 - If there are issues to resolve or be aware of prior to the Hearing, parties are asked to bring those forward as soon as possible
 - Question:** What is the formality of accepting written submissions?
 - If citing a report, that report should be filed with the Board
 - Intent is to acknowledge the interventions received
 - Question:** Is there a plan to limit scope from interveners beforehand?
 - The scope of the Board's jurisdiction is provided in the work plan as well as in the draft Permit and Licence conditions that have been sent out for review. Parties should consider whether or not the Board has any jurisdiction to address concerns raised
 - e.g. how can your concerns be addressed through the Permit and/or Licence conditions?
 - Once interventions are received, they'll be reviewed internally. The appropriate Parties will be notified if there are any questions or concerns with the submissions received
 - Question:** Will there be a list of participants provided beforehand?
 - Board staff will try to ensure there is communication with Enbridge and Interveners to ensure a list of participants (e.g. expert witnesses, presenters, etc.) is collected for all parties to be aware of, to ensure that the right people are in the room to address the issues
- 5) Review of work plan
- Deadline for Interventions – due September 29
 - Presentations – due October 11 (Interveners) and October 16 (Enbridge)
 - Reminder to submit 2 formats; PowerPoint for presenting (include slide numbers for those on the phone) and a PDF for the registry.
 - Question:** Why two separate deadlines for submission (Draft conditions as well as Interventions)?
 - MVLWB will look into the two separate deadlines and will get back to parties on clarification on process (early next week)
 - **ACTION ITEM**
 - Hearing – October 27 (and possibly the 28)
 - Any undertakings – due November 2
 - MVLWB will do its best to have them resolved during the Hearing (but before Board makes a recommendation to the Minister)
- 6) General Questions
- Will there be transcripts of the proceedings?
 - Yes
 - Does GNWT need to state their mandate in presentation?
 - It is not required
 - Will there be interpreters?
 - Yes