



John Donihee  
Legal Counsel to the KIA  
3516 Underhill Drive N.W.  
Calgary, Alberta  
T2N 4E8

Dear Mr. Donihee:

Thank you for your email relative to the inclusion of the declines in the Part 5 Review, which email we attach for the Distribution List (document #140), and which will become part of the Public Record.

We note that you "... object to this process... of not being informed of matters that are relevant to the scope [sic] this proceeding before decisions are made by the Board." We can inform you, and assumed that you would already know, that NIRB's letter that you refer to does not change the scope of the hearing nor is it a new decision, nor is it a decision that KIA or any other party was not aware of who either: (1) received the EIS and read it, (2) attended the Prehearing Conference, or (3) has subsequently received and read NIRB's letter of direction to MHBL dated February 12, 2004.

As you will see from a careful reading of NIRB's February 12th letter of direction and NIRB's February 26th letter that you now complain about, neither letter rescopes the project but both letters urge the proponent to be as prepared as possible to meet the information deadlines that NIRB has imposed, failing which, the normal and usual consequences may follow for the proponent. By this the Board means that all information that is part of the NIRB's Part 5 review requirements for its hearings, and this one is no exception, must be met by the proponent.

Please contact me if you have questions about the letters. You may also feel free to call our legal counsel, Mr. Tilleman, who is always available to assist you in whatever way he can.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Briscoe', with a stylized, cursive script.

Stephanie Briscoe  
Executive Director

cc: Minister Mitchell  
Distribution