




CANADA

PRIVY COUNCIL · CONSEIL PRIVÉ

P.C. 1974-641

21 March, 1974



WHEREAS proposals have been made for the construction and operation of a natural gas pipeline, referred to as the Mackenzie Valley Pipeline, across Crown lands under the control, management and administration of the Minister of Indian Affairs and Northern Development within the Yukon Territory and the Northwest Territories in respect of which it is contemplated that authority might be sought, pursuant to paragraph 19(f) of the Territorial Lands Act, for the acquisition of a right-of-way;

AND WHEREAS it is desirable that any such right-of-way that might be granted be subject to such terms and conditions as are appropriate having regard to the regional social, environmental and economic impact of the construction, operation and abandonment of the proposed pipeline;

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of Indian Affairs and Northern Development, is pleased hereby, pursuant to paragraph 19(h) of the Territorial Lands Act, to designate the Honourable Mr. Justice Thomas R. Berger (hereinafter referred to as Mr. Justice Berger), of the City of Vancouver in the Province of British Columbia, to inquire into and report upon the terms and conditions that should be imposed in respect of any right-of-way that might be granted across Crown lands for the purposes of the proposed Mackenzie Valley Pipeline having regard to

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- (a) the social, environmental and economic impact regionally, of the construction, operation and subsequent abandonment of the proposed pipeline in the Yukon and the Northwest Territories, and
- (b) any proposals to meet the specific environmental and social concerns set out in the Expanded Guidelines for Northern Pipelines as tabled in the House of Commons on June 28, 1972 by the Minister.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL
is further pleased hereby

1. to authorize Mr. Justice Berger
 - (a) to hold hearings pursuant to this Order in Territorial centers and in such other places and at such times as he may decide from time to time;
 - (b) for the purposes of the inquiry, to summon and bring before him any person whose attendance he considers necessary to the inquiry, examine such persons under oath, compel the production of documents and do all things necessary to provide a full and proper inquiry;
 - (c) to adopt such practices and procedures for all purposes of the inquiry as he from time to time deems expedient for the proper conduct thereof;
 - (d) subject to paragraph 2 hereunder, to engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as he deems necessary or advisable, and also the services of counsel to aid and assist him in the inquiry, at such rates of remuneration and reimbursement as may be approved by the Treasury Board; and

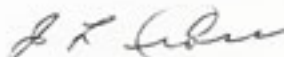
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- (e) to rent such space for offices and hearing rooms as he deems necessary or advisable at such rental rates as may be approved by the Treasury Board; and
2. to authorize the Minister of Indian Affairs and Northern Development to designate an officer of the Department of Indian Affairs and Northern Development to act as Secretary for the inquiry and to provide Mr. Justice Berger with such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants from the Public Service as may be requested by Mr. Justice Berger.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL is further pleased hereby to direct Mr. Justice Berger to report to the Minister of Indian Affairs and Northern Development with all reasonable despatch and file with the Minister the papers and records of the inquiry as soon as may be reasonable after the conclusion thereof.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, with the concurrence of the Minister of Justice, is further pleased hereby, pursuant to section 37 of the Judges Act, to authorize Mr. Justice Berger to act on the inquiry.

Certified to be a true copy



Assistant Clerk of the Privy Council