

NOTE TO FILE

January 29, 2010

On January 27th, 2010 I was contacted by Kelli Lemon, legal counsel for the Carter family, regarding the possibility of an extended deadline for a submission to the public record. Ms. Lemon emphasized the late involvement of the Carter family in the EA as a factor in the request for additional time to prepare the submission. Board legal counsel John Donihee and I discussed the request in a teleconference with Ms. Lemon and committed to bring the matter to the Board's attention during the Board meeting the following day.

On January 28th, 2010, the Review Board discussed the request. It considered:

- the public notification provided broadly at the beginning of the EA
- the time granted to the Carter family during the hearing
- the opportunity between the hearing and the record closing to present any additional views, and
- the requirements for fairness to all other parties who have met the deadline.

The Board decided to decline the request for additional time.

Mr. Donihee informed Ms. Lemon of this by voice mail immediately after the decision was made, and I sent a similar message by e-mail.

Alan Ehrlich
Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board