

October 10, 2006

VIA FAX AND E-MAIL

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**Re: *Glamis Gold Ltd. v. The United States of America* – Arbitration
under Chapter 11 of the NAFTA pursuant to the UNCITRAL
Arbitration Rules**

**Request for Extension to File Application for Leave to File a
Non-Disputing Party Submission and Associated Submission**

Dear Messrs. Wagner and Flynn:

The Tribunal is in receipt from counsel for Sierra Club and Earthworks of a request for extension of time to file their application for leave to file a non-disputing party submission and associated submission. Counsel has requested the date be extended from October 13, 2006, to November 7, 2006 or, at a minimum, October 25, 2006.

At the request of these non-disputing parties and after reviewing the responses from both Claimant and Respondent, the Tribunal has carefully considered the request. Noting that non-

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disputing party submissions are to be concise and not to exceed twenty pages,¹ it is the decision of the Tribunal that Sierra Club and Earthworks shall have until Monday, October 16, 2006, to submit both their application for leave to file a non-disputing party submission and their non-disputing party submission.

The Statement of the Free Trade Commission on non-disputing party participation indicates that the states in the NAFTA accept such statements and, more particularly, the parties in this proceeding do not object to such statements. However, as noted previously in the Tribunal's September 16, 2005 granting of the Quechan Indian Nation's request for leave to file a non-disputing party submission, all such submissions must satisfy the principles of the Statement of the Free Trade Commission on non-disputing party participation. To that end, non-disputing parties should ensure that their submissions are accompanied by an appropriate application for leave to file a non-disputing party submission that is in compliance with the principles articulated in Section B of the Free Trade Commission's Statement respecting procedures for making such application and procedures for filing the submission itself.

Sincerely,



Michael K. Young
President of the Tribunal

MKY/lm

cc: Professor David D. Caron (via fax & e-mail)
Kenneth D. Hubbard, Esq. (via fax & e-mail)
Ucheora Onwuamaegbu, Esq. (via fax & e-mail)
Andrea Menaker, Esq. (via fax & e-mail)
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¹ See Statement of the Free Trade Commission on non-disputing party participation, Section B(3)(b).