



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish Habitat Management
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Gestion de l'Habitat du Poisson
Suite 101 5204, 50^e Avenue
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Your file *Votre référence*
EA0708-007

Our file *Notre référence*
YK-07-0104

February 18th, 2010

VIA E-MAIL

Martin Haefele
Manager of EIA
Mackenzie Valley Environmental Impact Review Board
Box 938, 5102 50th Avenue
Yellowknife, NT X1A 2N7

Dear Mr. Haefele,

**RE: Dezé Energy's Supplemental Submission for Taltson Hydroelectric
Expansion Program – Adjustments to Transmission Line Route**

Fisheries and Oceans Canada (DFO) has reviewed the proposed alternative "Reliance Adjustment" transmission line routing as presented by Dezé Energy in its January 26, 2010 submission to the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) public registry and is pleased to offer the MVEIRB the following comments.

As noted in DFO's December 11th, 2009 technical submission to the MVEIRB, Dezé Energy has committed to constructing the transmission line in accordance with DFO's Operational Statement for Overhead Line Construction with additional measures to be implemented to protect fish and fish habitat, as identified in their draft Erosion and Sediment Control Plan. As such, adverse impacts to fish and fish habitat during the construction of overhead lines along the proposed "Reliance Adjustment" should be avoided.

In its February 11th, 2010 letter to the MVEIRB, Dezé Energy notes that the proposed rerouting could include the placement of underwater cables. Provided the installation of the underwater cables meets the conditions of DFO's Operational Statement for Underwater Cables and DFO's Operational Statement for In-water Construction Timing Window, and Dezé Energy implements the mitigation measures there within, impacts to fish and fish habitat should be avoided.

In addition to the above technical comments, DFO respectfully submits the following concerns, as discussed with other federal government departments, regarding the current stage of the Taltson environmental assessment:

- In its January 26th, 2010 submission to the MVEIRB, Dezé Energy proposed an adjustment to the preferred transmission line routing in order to avoid crossing of the Lockhart River and the Desnedhe Che area. In a follow-up submission on February 11, 2010, Dezé Energy proposes other potential options that may be able to accommodate the concerns expressed by the Lutsel K'e Dene First Nations and expresses their interests in receiving input as to the viability of these new options. Given these new proposed alternatives, DFO remains uncertain as to which of these options is the routing on which the MVEIRB will base its determination and would prefer to consider a Report of Environmental

Assessment and Reasons for Decision (REA) from the Board that is based on a clear definition of the proposed development.

- In light of the January 26th, 2010 addition of a new project component alternative, the MVEIRB delayed the closing of the public registry from January 29th, 2010 to February 18th, 2010 in order to provide parties an opportunity to comment on the routing adjustments. While DFO's preliminary analysis of the new information indicates that impacts to fish and fish habitat could be mitigated, DFO remains concerned that other parties, including newly affected parties along the adjusted route, will not have sufficient time to review and comment on potential significant adverse impacts from the recently presented options, including potential issues of concern related to fish and fish habitat, prior to the registry closing. It also remains unclear how further discussion between the potentially affected parties and Dezé Energy on these options will be facilitated following the closing of the public registry on February 18th, 2010.
- In its January 26th and February 11th, 2010 submissions, Dezé Energy did not present any results of discussions or consultation undertaken with groups or individuals potentially impacted by the proposed routing adjustments. In order to ensure a fair and transparent process, DFO would prefer that consultation and engagement with affected parties be initiated prior to the closing of the public registry. As the Board is aware, RMs will need to review information provided during the environmental assessment process and the REA to determine whether additional consultation is required by the Responsible Ministers prior to making their decision regarding the Board's REA.

DFO trusts that this information will be useful to the Board in its decision regarding the Taltson Hydro Expansion Project. If you have any questions, please feel free to contact Nicola Johnson at (867) 873-3792, by fax (867) 669-4949, or email at Nicola.Johnson@dfo-mpo.gc.ca.

Sincerely,



for

Beverley Ross
Regional Manager, Environmental Assessment for Major Projects
Central and Arctic Region
Fisheries and Oceans Canada

cc Bruce Hanna, Fisheries and Oceans Canada
 Julie Dahl, Fisheries and Oceans Canada
 James Elliot, Fisheries and Oceans Canada