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June 9, 2017

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Mackenzie Valley Land and Water Board

7th Floor, 4922 - 48 Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

MV2011L4-0002

Attention: Shannon Allerston, Regulatory Officer

Dear Madam:

Re: NPTC v. Carters – Taltson Compensation Re-Hearing
File No.: 028628-0004

We are writing further to the Mackenzie Valley Land and Water Board's correspondence of May 19, 2017 and the Northwest Territories Power Corporation's correspondence of May 26, 2017. Please find enclosed the Carter Family's responses to the questions submitted by NTPC, pursuant to Undertaking No. 1 provided at the compensation re-hearing on May 16-17, 2017.

We trust that you will find the foregoing to be in order.

Yours truly,

MLT AIKINS LLP

Per: 
For Eleanor A. Olszewski, Q.C.

EAO:fl

Encls: Responses to Undertaking 1

cc: Doug Evanchuk & Sean Parker, Counsel for NTPC
Sheldon Toner & Caroline Wawzunek, Counsel for MVLWB

RESPONSE TO UNDERTAKING 1
June 9, 2017

Question 1:

The chain of custody form included in Appendix 2 of the "Report on Samples of Lake Trout, Lake Whitefish, and Northern Pike Taken from Nonacho Lake, NWT, Summer 2014, and Analyzed for Mercury" by R.A. Bodaly (the "**Report**") identifies 7 lake trout samples (Sample ID CL-LKTR-1 to CL-LKTR-7) sent to ALS Environmental laboratory for mercury testing.

1(a). Please confirm the location (i.e., name of the lake) where samples CL-LKTR-1 to CL-LKTR-7 were collected.

The lake coded as CL is McArthur Lake, NWT. McArthur Lake is located at 61° 34' N, 106° 48' W.

1(b). Do the "CL" references in the sample identification names refer to a Control Lake?

The coding was completed by Applied Aquatic Research Ltd. The Carter Family has no information with respect to why "CL" was used to code the McArthur Lake samples.

1(c). If the "CL" references in the sample identification names do refer to a Control Lake, what is the name of that lake?

See answer to 1(b).

1(d). If the "CL" references in the sample identification names do refer to a Control Lake, on what conditions was the Control Lake selected?

See answer to 1(b).

Question 2:

The ALS Environmental Analytical Report included in Appendix 2 of the Report is missing pages 6, 7, and 8. It appears as though the missing pages contain the analysis of all lake trout samples collected from Site "CL". Please provide the ALS Environmental Analytical Report in its entirety.

Pages 6, 7, and 8 of the ALS Environmental Analytical Report are enclosed.

ALS ENVIRONMENTAL ANALYTICAL REPORT

Sample Details/Parameters	Result	Qualifier*	D.L.	Units	Extracted	Analyzed	Batch
L1495332-34 CL-LKTR-5 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	74.3		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.522		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-35 CL-LKTR-6 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	73.1		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.617		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-36 CL-LKTR-7 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	69.0		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.431		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-37 CL-LKTR-8 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	76.9		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.694		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-38 CL-LKTR-9 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	75.1		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.582		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-39 CL-LKTR-10 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	71.2		0.10	%		20-AUG-14	R2924829
Mercury (Hg)-Total	0.385		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-40 CL-LKTR-11 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	74.4		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.567		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-41 CL-LKTR-12 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	75.2		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.601		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-42 CL-LKTR-13 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE							

* Refer to Referenced Information for Qualifiers (if any) and Methodology.

ALS ENVIRONMENTAL ANALYTICAL REPORT

Sample Details/Parameters	Result	Qualifier*	D.L.	Units	Extracted	Analyzed	Batch
L1495332-42 CL-LKTR-13 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	78.6		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.434		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-43 CL-LKTR-14 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	74.2		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.740		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-44 CL-LKTR-15 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	76.4		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.849		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-45 CL-LKTR-16 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	78.9		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.543		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-46 CL-LKTR-17 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	76.6		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.367		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-47 CL-LKTR-18 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	79.0		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.938		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-48 CL-LKTR-19 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	78.5		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.906		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-49 CL-LKWH-1 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	78.7		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.0873		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-50 CL-LKWH-2 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE							

* Refer to Referenced Information for Qualifiers (if any) and Methodology.

ALS ENVIRONMENTAL ANALYTICAL REPORT

Sample Details/Parameters	Result	Qualifier*	D.L.	Units	Extracted	Analyzed	Batch
L1495332-50 CL-LKWH-2 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	79.2		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.0994		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-51 CL-LKWH-3 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	77.7		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.103		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-52 CL-LKWH-4 Sampled By: JESS NEWMAN on 31-JUL-14 Matrix: TISSUE Miscellaneous Parameters							
% Moisture	78.7		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.0927		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-53 NL-NRPK-07 Sampled By: CLIENT Matrix:							
Miscellaneous Parameters							
% Moisture	78.3		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	1.37		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583
L1495332-54 CL-LKTR-11+ Sampled By: CLIENT Matrix:							
Miscellaneous Parameters							
% Moisture	77.2		0.10	%		20-AUG-14	R2924830
Mercury (Hg)-Total	0.881		0.0020	mg/kg ww	18-AUG-14	21-AUG-14	R2925583

* Refer to Referenced Information for Qualifiers (if any) and Methodology.

Question 3:

The median value of mercury concentration in fish muscle from Nonacho Lake based on the 2014 lab results presented in Appendix 1 of the Report is 0.4165 ug/g. In comparison, the median value of mercury concentrations in fish muscle from Site "CL" based on the 2014 lab results is 0.6125 ug/g (only samples CL-LKTR-1 to CL-LKTR-5 were used in this calculation as the ALS Environmental Analytical Report is incomplete). Please provide an analysis of all data available for Site "CL" with comparisons to Nonacho Lake, the Commercial Sales of Fish Guidelines and Frequent Consumer of Fish Guidelines.

Analysis of data from McArthur Lake, including comparisons to Nonacho Lake, and comparisons to fish consumption guidelines is shown in the table below. All data are for 2014.

Lake	Species	Number of samples	Mercury mean	Mercury median	% over commercial guideline	% over frequent guideline
McArthur	Lake trout	20	0.62	0.59	75	100
	Lake whitefish	4	0.10	0.10	0	0
Nonacho	Lake trout	8	0.61	0.44	25	88
	Lake whitefish	14	0.11	0.10	0	7
	Northern pike	7	0.41	0.25	14	86

Question 4:

In Appendix 1 of the Report, data are provided for Sample ID NL-NRPK-7. This sample ID does not appear on the ALS chain of custody form in Appendix 2 of the Report and no results are presented in the ALS Environmental Analytical Report also in Appendix 2 of the Report. Please provide the data source for weight, notes, and mercury data for Sample ID NL-NRPK-7.

The sample NL-NRPK-7 is a northern pike sample from Nonacho Lake. The data for this sample ID is on page 8 of the ALS analytical report, enclosed, and is included in the summary table shown above for Question 3.

Question 5:

5(a). Were age structures (e.g., scale or otolith) collected in 2014 and processed as part of the assessment?

No age structures were collected from the 2014 sample of fish from Nonacho and McArthur Lakes.

5(b). If age structures were collected, please provide the age data.

See answer to 5(a).

From: [Shannon Allerston](#)
To: [Permits](#)
Subject: FW: Claim for Compensation Undertakings
Date: Friday, June 9, 2017 10:52:30 AM
Attachments: [image001.png](#)
[Letter to Board regarding response to undertaking.pdf](#)
[1377395 - Response to NTPC request: McArthur L Hg: undertaking 1 - v2 - EDMONTON.pdf](#)

MV2011L4-0002

From: Jessica Buhler [mailto:JBuhler@mltaikins.com]
Sent: June-09-17 10:43 AM
To: Shannon Allerston; Eleanor Olszewski; Doug Evanchuk
Cc: Caroline Wawzonek; sheldon@dragontoner.ca; MMiller@ntpc.com; jpickett@ntpc.com; Sean Parker; deanrmcarter@gmail.com; myles@nonacho.com; Kandee6627@yahoo.com; Jean; Dcarter1980@gmail.com; Rebecca Chouinard; Shelagh Montgomery
Subject: RE: Claim for Compensation Undertakings

Good morning Shannon,

Please see attached the Carter Family's responses to the questions received from NTPC.

Best regards,

Jessica Buhler
Lawyer

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From: Shannon Allerston [mailto:sallerston@mvlwb.com]

Sent: Tuesday, May 30, 2017 2:35 PM

To: Eleanor Olszewski; Doug Evanchuk

Cc: Caroline Wawzonek; sheldon@dragontoner.ca; MMiller@ntpc.com; jpickett@ntpc.com; Sean Parker; deanrmcarter@gmail.com; myles@nonacho.com; Kandee6627@yahoo.com; Jean;

Dcarter1980@gmail.com; Rebecca Chouinard; Shelagh Montgomery; Jessica Buhler

Subject: Claim for Compensation Undertakings

Good afternoon,

As you are aware, questions stemming from the Undertakings recorded during the Re-Hearing were due on Friday, May 26. Questions were provided by the Northwest Territories Power Corporation (NTPC) in response to the late submission of evidence by the Carter Family

("Report on Samples of Lake Trout, Lake Whitefish, and Northern Pike Taken from Nonacho Lake, NWT, Summer 2014, and Analyzed for Mercury" by R.A. Bodaly). No questions on the Aquatic Effects Monitoring Program Report or the 2014 Sport Fishing Analysis (both attached to the Northwest Territories Power Corporation's written submission filed on April 18, 2017) were submitted by the Carter Family. The questions stemming from this undertaking are attached above for your reference and available on the Board's public registry. The Carter Family now has until June 9, 2017, to respond to Northwest Territories Power Corporation's questions.

Following the responses to the undertaking, each party has the opportunity to conclude its closing remarks in response to the information provided. The Carter Family's closing remarks in response to the undertakings are due on June 16, 2017 and NTPC's closing remarks in response to the undertakings are due on June 23, 2017.

Please let me know if you have any questions.
Thank you,

Shannon Allerston, MA, MSc
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