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Your file / Votre référence
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February 18, 2010

VIA EMAIL

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

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

Dear Mr. Haefele:

Environment Canada (EC) has reviewed the above referenced supplemental submission posted to the Mackenzie Valley Environmental Impact Review Board's (the Board) public registry on January 26, 2010, concerning Dezé Energy's (the proponent) preliminary analysis into potential re-routing of the transmission line in order to avoid the Desnedhe Che area and crossing of the Lockhart River. The following are our comments and recommendations:

1. Migratory Birds

Large concentrations of migrating geese occur each spring in the small area of open water off Maufelly Point. This is one of the few areas of open water available for the geese to stop and rest as they travel to their nesting areas further north. Concentrations of geese have also been observed in spring in the small areas of open water at the Belle Isle narrows and the mouth of the Lockhart River. Other parts of the lake and surrounding water bodies are still typically frozen in this region in spring, so these small areas of open water are critical stop-over locations for the geese. The open water off Maufelly Point is likely the most important of these areas, and is consistently used by geese each spring.

In the proposed Reliance adjustment, the transmission line crosses directly over the small area of open water off Maufelly Point where large concentrations of geese gather each spring. EC is concerned that a transmission line over this important spring stop-over location has the potential for significant adverse impacts to goose populations. There is potential for bird mortalities due to collisions with the transmission line, especially during windy weather or times with poor visibility. It is unknown whether the presence of the transmission line directly over the open water area may deter geese from using this area as a stop-over location.

The Terms of Reference for the Developer's Assessment Report (DAR) requires the proponent to describe the key bird species and their bird habitat, and to identify impacts and mitigation measures (pages 12, 26-27). The proponent has not assessed the impact of

the adjustments of the transmission line route on waterfowl and other birds (with the exception of briefly mentioning surveys and mitigation for raptors). It is EC's view that the requirements in the Terms of Reference for the DAR should also apply to the proponent's supplemental submission on the adjustments to the transmission line route.

EC recommends that the Board require the proponent to do an assessment of the proposed transmission line adjustments on key bird species, as outlined in the Terms of Reference. The assessment should address potential impacts to migratory birds (including waterfowl) and mitigation measures. The assessment should outline how potential significant adverse impacts to migrating geese in the area will be avoided.

2. Species at Risk

The proponent did not assess the impact of this potential route change on Species at Risk. The Terms of Reference for the DAR requires the proponent to identify the adverse effects on Species at Risk, ensure measures are taken to avoid or lessen those effects, and to monitor the effects (page 26). It is EC's view that the requirements in the Terms of Reference for the DAR should also apply to the proponent's supplemental submission on the adjustments to the transmission line route.

EC recommends that the Board require the proponent to do an assessment of the proposed transmission line adjustments on Species at Risk and describe any applicable mitigation and monitoring measures, as outlined in the Terms of Reference.

Once the information outlined above is received, EC can continue reviewing the proposed route adjustment pursuant to its mandated responsibilities arising from the *Migratory Birds Convention Act* and its Regulations, and the *Species at Risk Act*, and provide the Board with its technical expertise regarding impact significance and further recommendations as required.

Please note, EC's technical recommendations, as presented in its December 11, 2009 technical report submission, do not change with the information currently available for the potential Reliance adjustment.

In addition to the technical information required above and our recommendations, EC would like to provide the following comments and questions, as discussed with other federal government departments, regarding the current stage of the Taltson environmental assessment (EA):

- **Timelines:**

Potential transmission line route adjustments were posted to the Board's public registry by the proponent on January 26, 2010. Parties were then given until February 18, 2010 to provide their views regarding these route adjustments, in particular the preliminary analysis of the 'Reliance Adjustment'. Further information was posted to the public registry by the proponent on February 11, 2010. The proponent believes they "will have the opportunity to provide a response to [any] comments before the public registry is closed" (January 26th posted letter). Will the Board fully close the public registry on

February 18th or will there be some avenue for further discussion (e.g. information requests, supplemental hearing etc.) between the parties regarding the new information and potential impacts and concerns?

EC is concerned that this timeline is not enough time for parties, including newly affected parties, to fully review and consider the new information provided, and suggests that the Board ensures there is adequate time and process provided to allow for full consideration of potential significant adverse impacts and public concern resulting from the potential route adjustment, prior to the public registry closing and before any determination is made under Section 128 of the *Mackenzie Valley Resource Management Act*.

- **Scope of Development:**

It is unclear to EC whether the proponent has definitely decided against crossing the Lockhart River, and how seriously the proponent is pursuing the 'Reliance adjustment'. EC believes that before the project registry closes the preferred project route versus project alternative routes need to be clearly defined and the associated impacts fully assessed, in order for the Board to proceed to the deliberations phase. EC and the other Responsible Ministers (RMs) would be reluctant to consider a Report of Environmental Assessment and Reasons for Decision (REA) from the Board that is not based on a clear definition of the proposed development with the preferred transmission line routing identified.

Should you have any questions or wish clarification on any aspect of this letter please do not hesitate to contact Lisa Perry at (867) 669-4707 or Lisa.Perry@ec.gc.ca.

Best regards,



Lisa Perry
Senior Environmental Assessment Coordinator

cc: Myra Robertson – CWS
Carey Ogilvie – A/Manger, Environmental Assessment & Marine Programs