

Our File: EA0708-007

February 24, 2010

Dan Grabke, Managing Director
Deze Energy Corporation
206-5102 50th Ave
Yellowknife, NT X1A 3S8

Re: EA0708-007: Deze Energy Corporation – Taltson Hydroelectric Expansion Project –
Seeking Clarification

Dear Mr Grabke:

The Review Board is seeking clarification from Deze Energy on the minimum flow proposed for Trudel Creek. According to the *Rules of Procedure* the Review Board may seek clarification on information on the public record without re-opening the public record.

During the public hearing on January 15, 2010, DFO indicated its disagreement with Deze's conclusion regarding significance of impacts of the proposed minimum low flows in Trudel Creek (transcript pp. 38-39). The hearing recessed in order for Deze and DFO to discuss this. When the hearing resumed, with Deze present, DFO confirmed that Deze had made a commitment regarding hydrograph variability that satisfied the concern (pp. 46-47). The Board's understanding of this commitment was stated explicitly by Board counsel and discussed with DFO later in the hearing (pp. 73-74). At no time in the hearing did Deze indicate that it had not made any such commitment, or that DFO had misunderstood the discussion during the recess.

However, in its January 29, 2010 *Table of Commitments* document, Deze states that it has not currently committed to the DFO recommendation of a variable flow regime for Trudel Creek (Agency Rec. No. DFO-16) as it appeared to have done during the hearing.



Please clarify whether Deze has made such a commitment, and if so, what it is.

More information about seeking clarification without opening the public record can be found in Section 22 of the *Rules of Procedure* document on our website. If you have any questions please call me at (867) 766-7056 or by email at aehrlich@reviewboard.ca.

Sincerely,

Alan Ehrlich

Senior Environmental Assessment Officer