



**Mackenzie Valley Land and Water Board**  
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### **PRE-HEARING CONFERENCE SUMMARY NOTES**

Northwest Territories Power Corporation (NTPC) and Carter Family  
Water Licence MV2011L4-0002

#### 1) Introductions

In Person:

Rebecca Chouinard – MVLWB Executive Director  
Shelagh Montgomery – MVLWB Regulatory Manager  
Shannon Allerston – MVLWB Regulatory Specialist  
Angela Plautz – MVLWB Regulatory Policy Advisor  
Caroline Wawzonek – MVLWB Legal Counsel  
Matthew Miller – NTPC Environmental Licensing Specialist  
Jay Pickett – NTPC Director, Hydro Operations

On the Phone:

Eleanor Olszewski – Carter Family Legal Counsel  
Doug Evanchuk – NTPC Legal Counsel  
Sean Parker – NTPC Legal Counsel

#### 2) Re-Hearing logistics and representatives

- Dates and Locations: May 16-17, 2017, 9:00 a.m. – 5:00 p.m., Katimavik A Banquet Room, Explorer Hotel, Yellowknife, NT.
- Teleconference line will be available; please contact Shannon Allerston if anticipating you will need the line.
  - NTPC does not anticipate the need for using the teleconference line. Expert report authors (2 people), legal counsel (2) and NTPC representatives (2) will be in the room.
  - Carter Family does not anticipate the need for using the teleconference line. Expert report authors (2 people), legal counsel (1) and 2-3 family members will be in the room.
  - If anything changes regarding teleconference needs or in-person attendance, please let Shannon Allerston know prior to the Re-Hearing.
  - Teleconference line will still be available for call-in/listening purposes.
- Agenda will be somewhat fluid to reflect the informal nature of the proceeding.
- Number of participants, anticipated time required for presentations:

Party	Expected number of participants?	Expected time required for presentation?	Notes
NTPC	6	Approximately 20 minutes	PowerPoint presentation will be provided in advance (ppt & pdf). Questions for Carter family are still in development but are not expected to exceed 30 minutes.
Carter Family	5-6	Approximately 45 minutes	No PowerPoint presentation planned. Questions for NTPC are still in development but are not expected to exceed 30 minutes.
MVLWB	5-6	NA	-

- Hardcopies of CVs for each Party's experts are required to be provided at the Re-Hearing (6 copies for each expert).
- Presentations should highlight the key parts of the written submissions; no new evidence should be provided.
  - Any PowerPoint presentations need to be submitted to Shannon Allerston by May 10, 2017.
  - If there are any changes anticipated that may impact the length of presentations or questioning, please let Shannon Allerston know prior to the Re-Hearing

Question/Comments:

Does the MVLWB plan to bring technical experts to the Re-Hearing?

- The MVLWB representatives (not including the Board Members) will include Board staff and legal counsel. Board staff will provide any technical questions or comments while legal counsel will focus on any legal and/or economic issues or questions.
  - Board staff will provide advance notice to all parties if this changes.
- High level question topics have been prepared by the Board that all parties should be prepared to respond to at the Re-Hearing. Major topics for questioning so far identified include:
  - Fish Heath and Habitat for all resident fish species in Nonacho Lake;
  - Water Levels in Nonacho Lake;
  - Compensation value calculation/determination details; and
  - Inspection Report results for the Carter Family lease.

3) Re-Hearing structure and format

- NTPC will present first, followed by a question period by the Carter Family, Board Staff (including legal counsel), and Board members
- The Carter Family will then present, followed by a question period by NTPC, Board Staff (including legal counsel), and Board members
- Closing remarks by: Carter Family and NTPC

- A reminder that the question periods are an opportunity to ask questions – not to provide commentary.
- Reminder to submit your presentation in 2 formats: PowerPoint – for presenting (include slide numbers for people on the teleconference line) and unsecured PDF – for the Public Registry.
- Legal/procedural issues should be brought to the attention of Board staff as soon as possible.

Question/Comments:

The Carter Family legal counsel raised a concern about the order of presentations as currently set out in the agenda; stating that in their opinion it is not appropriate for NTPC to go first at the start of the Re-Hearing and then to speak last at the close.

NTPC legal counsel stated they are in complete agreement with the agenda as drafted.

In order to resolve this, the following process will be followed by the Board:

- o Carter Family to submit a written request, with rationale, to the Board by noon MT, Friday, May 5, 2017.
- o NTPC will have the opportunity to respond by Monday, May 8, 2017.
- o Both arguments will be presented to the Board later that week for final decision on the Re-Hearing Agenda.

All parties indicated they were satisfied with the process identified and associated timelines.

Question/Comments:

Is there a sense for what time the Re-Hearing will adjourn on Tuesday, May 16?

- o If the agenda is almost complete by the end of the first day, the Re-Hearing may be pushed beyond 5:00 pm. The typical end-of-day is expected to be around 5:00 pm.
- o Given the information provided, one day may be sufficient to hear the matter.

Does the Board have a feeling for how long its line of questioning may take?

- o Would likely be in the order of 30 minutes for each party.

4) Procedural and legal details

- Reminder to review the Board's Rules of Procedures
- The Board aims to maintain flexibility in its process while maintaining procedural fairness for all parties

5) Review of work plan

- Re-Hearing, May 16-17, 2017
- Board Decision not expected until late June to early July 2017.

6) General questions

Q. Is it ok to take notes (electronically or otherwise) at the Re-Hearing?

- o Yes, taking personal notes not a problem. The hearing will be transcribed. Transcripts are typically available at the end of the day, but this is not always possible.

**Action Item(s)**

- Request for changes to the Re-Hearing Agenda (Carter Family) due by noon MT, May 5, 2017
  - o Response/counter-argument regarding any proposed changes to the Re-Hearing agenda from NTPC due by end-of-day May 8, 2017.
  
- Re-Hearing presentations due on May 10, 2017.

**From:** [Shannon Allerston](#)  
**To:** [Permits](#)  
**Subject:** FW: Pre-Hearing Conference Meeting Notes  
**Date:** Thursday, May 4, 2017 3:40:43 PM  
**Attachments:** [Pre-hearing Conference - Meeting Notes.pdf](#)

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MV2011L4-0002 whenever the registry is working again

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**From:** Shannon Allerston  
**Sent:** May-04-17 3:31 PM  
**To:** 'Doug Evanchuk'; 'eolszewski@mlt.com'  
**Cc:** 'Caroline Wawzonek'; 'sheldon@dragontoner.ca'; 'MMiller@ntpc.com'; 'jpickett@ntpc.com'; Sean Parker; 'Sharon W. Au'; 'EMelnyk@mlt.com'; 'mlcarter@telus.net'; 'deanrmcarter@gmail.com'; 'myles@nonacho.com'; 'Kandee6627@yahoo.com'; 'Jean'; 'Dlcarter1980@gmail.com'; Rebecca Chouinard; Shelagh Montgomery; Angela Plautz; Amanda Gauthier  
**Subject:** Pre-Hearing Conference Meeting Notes

Good afternoon,  
Attached are Meeting notes to reflect the discussion at yesterday's Pre-Hearing Conference. Please let me know if you feel that something has been omitted or improperly represented.  
Thank you,

Shannon Allerston, MA, MSc  
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