

September 5, 2017

Via email: sallerston@mvlwb.com

Via Fax: 867-873-6610

Mackenzie Valley Land and Water Board

7th Floor, 4922-48 Street

P.O. Box 2130

Yellowknife, NT X1A 2P6

Attention: Board Members

Sharon Allerston, Regulatory Officer

Dear Sirs & Madams:

Re: Compensation Decision (Meeting of July 11 and 13, 2017)

MV2011L4-0002

File No.: 028268-0004

We are writing further to the Mackenzie Valley Land and Water Board's ("**Board**") Reasons for Compensation Decision with respect to the Board's meeting of July 11 and 13, 2017.

We write to respectfully request that the Board order the Northwest Territories Power Corporation ("**NTPC**") to pay the Carter Family's reasonably incurred costs in bringing forward their Claim for Compensation.

As the Board found, the Carter Family has experienced and will continue to experience adverse impacts on their lifestyle and use of waters from the continued presence of NTPC's operations on Nonacho Lake. The Board found that the Carter Family's Claim for Compensation with respect to the adverse effects on their individual and family lifestyle had merit.¹

In pursuing this meritorious Claim for Compensation, the Carter Family has reasonably and necessarily incurred costs, including legal and expert costs. All of the Carter Family's costs have been incurred as a direct result of NTPC's application for a Licence renewal. Due to the procedural unfairness in the Board's initial compensation decision, the Carter Family was forced to incur additional reasonable and necessary costs with respect to pursuing judicial review of the Board's decision and the second hearing before the Board. These proceedings necessitated the

¹ Reasons for Decision, para 121.

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assistance of legal counsel and experts in order to properly qualify and quantify the adverse effects that the Carter Family has experienced and will continue to experience under the Licence.

For these reasons, the Carter Family respectfully requests the Board order NTPC to pay the Carter Family's reasonable and necessary costs with respect to their Claim for Compensation.

We look forward to hearing from you regarding the foregoing.

Sincerely,

MLT AIKINS LLP

Per:

FOR:


Eleanor A. Olszewski, Q.C.

EAO:ckp

cc: Doug Evanchuk & Sean Parker, Counsel for NTPC