

Greg and Val Krisch

Claim for Compensation

Index of and explanation of Attachments

- 1 Photograph of Violiza on storage cradle – this is to illustrate how the vessel is currently stored at the GSSC yard.
- 2 Photograph of Violiza on transport truck – this is to illustrate how the vessel is normally moved.
- 3 Scan of listing for a trailer of the size and capacity required for movement of the vessel between storage and launch location during the yard remediation and potentially beyond that period, depending on the final configuration of the remediated yard.



Claim Form for Water Compensation

This Form identifies the information the Mackenzie Valley Land and Water Board (Board) requires in the event that a Claim for Compensation must be decided upon by the Board. The Board expects Claimants to attempt in good faith to negotiate a compensation agreement with a Water Licence Applicant. A Claimant must provide evidence of any attempt made to reach a compensation agreement with the Water Licence Applicant.

All submissions in water licensing proceedings are posted on the Public Registry.

The adjudication of a water compensation claim is part of a licensing proceeding. If information required for a decision on such a claim is personal, proprietary, or in some way sensitive in nature, a request for ruling to ensure confidential treatment of this information must be submitted to the Board at the same time as a completed Claim which includes this information.

Please note that Claims for Compensation must relate to the proposed licence activities and cannot include claims for past losses or damages.¹ Claimants must provide detailed information and evidence to support each element of the Claim. Please attach additional pages, supporting information, and references to your claim where necessary.

For the Giant Mine Remediation Project proceeding, Claims must be received by the Board no later than September 26, 2019.

INFORMATION REQUIRED

1 Information about the Application or File

Identify the Water Licence application or file number(s) associated with this claim:	DIAND - GIANT - MV2019X0007
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2 Information about the Claimant

Claimant's Name:	Greg and Val Krisch
Community:	2716 104 St NW, Edmonton

¹ Such claims can be advanced but only through the Courts. See *Carter* 2014 NWTSC 72.

Prov/Terr:	Alberta	Email:	Gregkr536@gmail.com
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3 **Information about Eligibility**

Please identify the category or categories of use(s) that best describes your relationship with the land and/or waters potentially affected by the subject Licence:

Subsection 72.03(5) of the <i>Mackenzie Valley Resource Management Act</i> (MVRMA) or 26(5) of the <i>Waters Act</i>		
(b)(ii)	Domestic users	x
(b)(iii)	In-stream users	x
(b)(iv)	Authorized users	
(b)(v)	Authorized waste depositors	
(b)(vi)	Persons who use waters or deposit waste (without a licence) under the territorial law	
(b)(vii)	Persons referred to in paragraph 61(d) of the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i>	
(b)(viii)	Owners of property	
(b)(ix)	Occupiers of property	X
(b)(x)	Holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature	

Please explain (for example, please provide information regarding the nature of use, the duration of use, and extent of use of the lands and waters in question):

We are occupiers of the Great Slave Sailing Club (GSSC) property by virtue of our membership in the club of over 32 years.

We launch our 26 foot sailboat into Back Bay and retrieve it from Back Bay by 100 ton crane (Canuck Crane) from the GSSC property. On occasion our mast requires removal and replacement and that is done by crane in the water at the dock of the property. We maintain a mooring in the mooring field in the waters adjacent to the property. We access our boat in the mooring field by dinghy from the property. We participate in the cruising and social activities of the club. We perform maintenance on our boat at the dock on the property.

We make use of the property from early June until mid-October of each year. Typically, the launch of boats occurs during the first weekend of June and the retrieval of boats in mid-September. On shore maintenance is performed in May, September and early October. Ordinarily the mast need not be removed as the boat remains in the yard.

Our boat is a Morris Yachts Frances 26; it weighs 12,000 lbs, is 8'2" wide and has a mast 40 feet in height. It draws 4 ½ feet of water.

During the autumn/winter/and spring our boat sits on a metal cradle at the GSSC boat yard. The boat and cradle cannot be transported unless they are loaded onto an appropriate trailer.

The cost for a trailer of the capacity required is estimated to be \$13,500, including GST (2019 retail cost – Flaman Trailers Edmonton). Our boat cannot be transported on land with the mast installed. Our mast is not normally removed for storage. Depending on conditions the cost of mast stepping or removal is estimated to double the cost of a normal launch or retrieval cycle.

A plan is being developed which may reduce the impact on the club and the public while still achieving the goals of remediation. The plan has been quickly evolving over the past few weeks through a meeting with Giant Mine Remediation Committee and a meeting with the GNWT. Complications may extend the times intended by a season. This claim is being made roughly on the basis of recent meetings with DIAND (GMRC at the Scotia Centre) and with the GNWT at the sailing club, the outcomes of which indicated the possibility of limited disruption to the club and member operations.

In summary we understand that the many of the club's sailboats may be moved to higher on the property or within a short distance of the property for 2 or more winters while remediation to the land and shoreline is conducted plus the construction of a boat launch. The club boats may launch for one or two seasons from the public dock. Once remediation of the GSSC property is complete, sailboats can return to the club yard and launch as normal from there. The public would also be accommodated through access to the new boat launch ramp facility on the club property while the public dock and boat launch is unavailable due to remediation. A best-case scenario is local relocation of boats, trailers and cradles for 21 to 33 months (in the event of complications) and launching, mast stepping and retrieving of sailboats at the public wharf for one or two summers.

*Attach to this Form any documentation to support the claims above (i.e. leases, licences, land titles, etc.).

4 Information regarding your Claim for Losses and Damages

Please identify and provide information about the relevant factors that apply to your claim for compensation (as identified in subsection 72.03(6) of the MVRMA or 26(6) of the *Waters Act*):

Provable Losses or Damages²

Describe the immediate losses or damages that will be caused by the proposed licensed activities.	What is the monetary value?³
Offsite commercial storage for boat and trailer (if the alternative previously mentioned is not available). Polar Bear Storage quotes \$36 for first 30 feet. This works out to be \$36 per month or \$1,188 plus GST for 33 months.	\$ 1,247
Cost of trailer to transport boat and cradle - \$12,820 plus GST (see attached description)	\$ 1,3461
Stepping and unstepping of mast – in and out of yard = 2, in and out at public dock = 4. 6 X 225 = 1,350 plus GST (this is net of ordinary cost of launch or retrieval)	\$ 1,417
Total	\$15,968

*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).

² Provable loss or damage refers to those losses and damages that, more likely than not, will occur as a result of the proposed licensed activities.

³ Compensation required to place the claimant in a position they would be in without the damages caused by the proposed licensed activities.

Potential Losses or Damages⁴

Describe the potential future losses or damages that may be caused by the proposed licensed activities. Is there increased risk that would not exist but for the proposed licensed activities?	What is the monetary value? ⁵
If our boat is denied access over the long term it will either have to be hauled south for sale or declared a total loss.	
Truck rental and driver to transport trailer to BC.	
Total	\$7,000
or	
Value of Violiza – No listings for used Frances 26 in Canada. Comparable versions of this boat (year and condition) selling in the US and Britain for the equivalent of CAD \$32,000. Original purchase price (1994), including cradle and transport was CAD \$43,500.	
Total	\$32,000

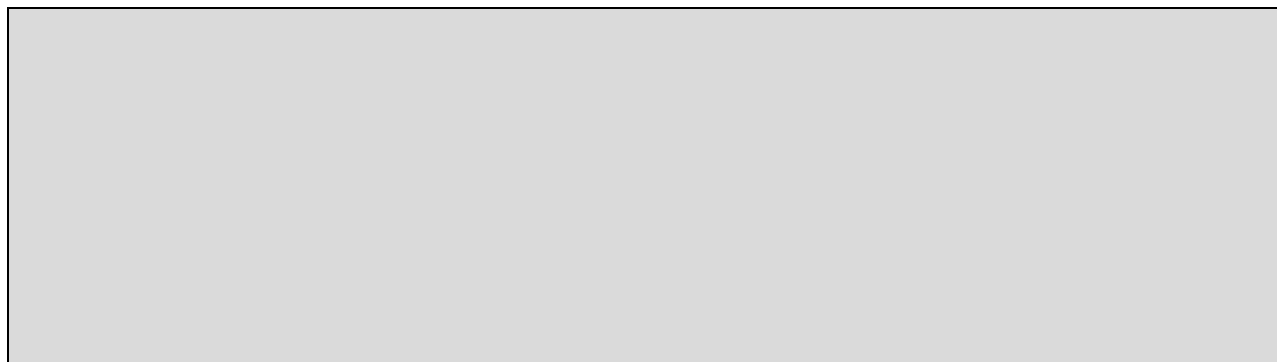
*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).

⁴ Potential loss or damage refers to those losses and damages that may occur as indicated through evidence or argument.

⁵ Ibid.

Extent and duration of the adverse effect, including the incremental adverse effect

How widely (over what area) will potential effects of the proposed licensed activities extend?
Over the entire area and water occupied by the Great Slave Sailing Club
How long (over part or all of the term of the Licence) will potential effects of the proposed licensed activities last?
From the current plans available for review, it seems the area may be under construction for at least 2 years thus impacting the club members for at least 2 seasons. There is a possibility the construction may be delayed and extend to other seasons.
What are the incremental, gradual or accumulative effects of the proposed licensed activities?
From a review of the plans, we can discern access to the area will be totally denied while the construction is undertaken. Once complete we are assuming the work will be accomplished to the standard expected and only periodic monitoring will be undertaken but access will be available to the Sailing Club or others as approved.



*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).

Extent of the use of waters by the Claimant

How do the proposed licensed activities affect your water use? Please outline the nature of your water use, and how your activity depends on water.

As noted previously, the area is used for: safe storage; repairs/maintenance; lift in and outs; and mooring. If access were not permitted the Club would have to find other areas that will provide suitable access to the water over the long term. To date, no such area has been identified.

*Attach to this Form any documentation to support the claims above (i.e. photos, receipts, technical reports, etc.).

Nuisance, Inconvenience and Noise Caused by the Proposed Licensed Activities

Will there be substantial nuisance, inconvenience and/or noise that would not exist but for proposed licensed activities?	What is the monetary value? ⁶
We do not feel that noise will be an issue.	

*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).

⁶ Compensation required to place the claimant in a position they would be in without the future nuisance caused by the proposed licensed activities or costs for avoiding or mitigating nuisance, inconvenience, and/or noise.

5 Additional Questions

Mitigation

Please describe any steps you have taken or can take to avoid or mitigate the effects described in section 4 above.

In your opinion, is there more that can be done by the Licence Applicant to avoid or mitigate the effects described above? If so, please describe the mitigation steps.

***Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).**

Compensation

Have you applied for or are you collecting compensation from any other source related to the damages and costs you have claimed above? If so, please describe in detail, including payment amounts.

No

If monetary compensation is awarded by the Board, do you have a preference for the form of payment? (i.e. lump sum, periodic payment, other).

Lump Sum

Would you prefer to receive compensation in another form? If so, please explain.

*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).

Engagement

Have you engaged with the Applicant in an attempt to resolve the compensation issues identified above? If so, please provide a detailed report on those discussions, including reasons why an agreement could not be reached. Indicate whether any offers of compensation have been made and refused and if so, why.

As a club, members have met with the Giant Mine Remediation Committee at the Scotia Centre and with the GNWT on the GSSC property.

A copy of this claim for compensation has been sent to the Giant Mine Remediation Committee and suggested a meeting over the coming weeks or months to negotiate this claim.

Specific negotiations for this claim have not yet commenced.

*Attach to this Form any documentation to support the claims above (i.e. communication records, etc.).

Any Other Information

Is there any other information that you can provide to assist the Board in making a decision on your claim? If so, please provide it.



*Attach to this Form any documentation to support the claims above.





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