



## 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.<sup>1</sup> 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:	John McCullum	
Community:	5208 54 st, Yellowknife, NT, X1A 1W8	
Prov/Terr:	NWT	Email: mccullumbooth@northwestel.net

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

### 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):**

I own a sailboat that resides at the Great Slave Sailing Club (GSSC) property on Back Bay near the outlet of Baker Creek in the City of Yellowknife. I have been a member of the GSSC since 2004.

The boat, named Bachelor II, is a Columbia 26 Mk II, length 26', wt 6000 lbs. I am a member in good standing of the GSSC and my sailboat is permanently stored at the GSSC yard on a cradle during the off-season. It is moored in the GSSC mooring field offshore of the yard during the sailing season. In general my boat is in the yard from roughly October to May each year, and on the mooring the rest of the year.

My boat is launched in spring and placed back on its cradle in the fall using a 100 ton crane (Canuck Crane) from the GSSC property. I access my boat in the mooring field by dinghy from the property. Because it is on a cradle it cannot be moved from it's current location except by lifting the boat and physically moving the cradle. I do not own a trailer.

I understand that a plan is being developed which may reduce the impact of the project 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 between club members and the Giant Mine Remediation Committee, and another meeting with GNWT. Notes to the club membership have been filed on the MVLWB public registry (McCrea claim for water compensation dated October 19, 2019). 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 members operations.

In summary I understand that the many of the club's sailboats will be moved to another location on the property or within a short distance of the property for 2 or more winters while remediation to the land, shoreline and sediment 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.

In order to move my boat to an alternate location I would have to purchase and ship an appropriate sailboat trailer to Yellowknife, then move the boat to the trailer and hire a driver to move it to the storage location and back.

\*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 Damages<sup>2</sup>**

Describe the immediate losses or damages that will be caused by the proposed licensed activities.	What is the monetary value? <sup>3</sup>
<p>Purchase of sailboat trailer and transportation to Yellowknife. Marine Cradle Shop, 6 post trailer with float-on package and spare tire. (Sutton, Ontario) Sail Trailers quote from Columbus Georgia also included in attachment</p>	<p>\$7,260 for trailer plus transportation from manufacturer estimated at \$1.05 per km @4784 km = \$5023 (see attachment)</p>
<p>Offsite commercial storage for boat and trailer. Polar Bear Storage quote \$36 for first 30 feet, \$1.00 per foot thereafter per month. For an estimated 35 foot trailer, this works out to be \$41 per month or 1,353 plus GST for 33 months.</p>	<p>\$1353</p>
<p>Lift-in and lift-out plus stepping and unstepping of mast @ \$600 per operation – in and out of yard = 2, in and out at public dock = 4. 6 X 600 = 3,600 plus GST</p>	<p>\$ 3,600</p>
<p>Mooring – retrieval and deployment during sediment remediation @\$400 per operation – 2 X 400</p>	<p>\$ 800</p>
<p>Hiring a driver to move the boat from the yard and back after remediation is complete. Estimate 4 hours @ \$100/hr.</p>	<p>\$400</p>
<p><b>Total</b></p>	<p><b>\$18,436.00</b></p>
	<p></p>
	<p></p>
	<p></p>
	<p></p>

<sup>2</sup>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.

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

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

**Potential Losses or Damages<sup>4</sup>**

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? <sup>5</sup>
<p>If my boat is denied access over the long term it will either have to be hauled south for sale or declared a total loss. It is likely that the value of the boat is less than the cost to ship it to BC, so estimated value is presented here</p> <p>Value of Bachelor II – based on review of same model for sale in a range of American cities (did not find any for sale in Canada). Range from \$3,280 to \$5,000 and up. (see attached copy of listings from sailboatlistings.com – note prices are in USD). My estimate is in CDN\$</p> <p style="text-align: center;"><b>Total</b></p>	<p></p> <p></p> <p></p> <p>\$4000.00</p> <p><b>\$4,000.00</b></p>
<p></p>	<p></p> <p></p> <p></p> <p></p> <p></p>

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

<sup>5</sup>Ibid.

\*Attach to this Form any documentation to support the claims above (i.e. estimates, receipts, technical reports, etc.).**Extent and duration of the adverse effect, including the incremental adverse effect**

<b>How widely (over what area) will potential effects of the proposed licensed activities extend?</b>
Over the entire area and water occupied by the GSSC
<b>How long (over part or all of the term of the Licence) will potential effects of the proposed licensed activities last?</b>
Based on current information, a minimum of 2 years.
<b>What are the incremental, gradual or accumulative effects of the proposed licensed activities?</b>
N/a

\*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**

<p><b>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.</b></p>
<p>I will be unable to access the water at all for at least one season so the plan prevents me from sailing – the sole purpose of owning the sailboat.</p>

\*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**

<b>Will there be substantial nuisance, inconvenience and/or noise that would not exist but for proposed licensed activities?</b>	<b>What is the monetary value?<sup>6</sup></b>
Nuisance and inconvenience resulting from being unable to use my boat for its intended purpose ie. Sailing on Great Slave Lake. Additional inconvenience of having to arrange to find an alternate location, purchase equipment to transport my boat, move the boat to the storage location and return it to the sailing club yard after remediation is complete. I do not feel that noise will be an issue.	
To assess a monetary value I have looked at sailboat rental rates for similar sized boats. Yachtico.com lists a Catalina 27 at \$1386 per week (see attachment). This is the smallest cruising sailboat I found. Assuming 21 days of sailing in a summer the monetary value would be equivalent to a 3 week rental	\$4,158.00
A monetary value for inconvenience based on a week of my time to make arrangements and move the boat at \$450/day is \$2250	\$2,250.00
<b>Total</b>	<b>\$6,408.00</b>

<sup>6</sup>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.


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

**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.**

I have read materials from the GSSC Executive regarding the project and attended a meeting with the Giant Mine Remediation to understand their proposed workplan at the GSSC. Based on what I've heard I have not been able to identify ways to avoid or mitigate the effects of the project.

**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.**

Minimize the length of time the yard is unavailable to store boats, and the mooring field is unavailable to anchor boats. Provide access to lifting boats in or out of Great Slave Lake.



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

**Compensation**

<b>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.</b>
No
<b>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).</b>
Lump Sum
<b>Would you prefer to receive compensation in another form? If so, please explain.</b>
N/a

\*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 Team at the Scotia Centre and with the GNWT on the GSSC property.

I have sent a copy of this claim for compensation to the Giant Mine Remediation Team and suggested a meeting over the coming weeks or months to negotiate this claim.

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.

Attachments to McCullum Claim for Compensation – Giant Mine Remediation Project - MV2019X0007

- 1) Bachelor II on its cradle



- 2) Listings for Columbia 26 Mk II as basis for value of boat in claim

From US.Letgo.com

[https://us.letgo.com/en/i/1969-columbia-26-mkii-sailboat\\_393bbb26-eb83-422e-baec-cb934cc7c5f0](https://us.letgo.com/en/i/1969-columbia-26-mkii-sailboat_393bbb26-eb83-422e-baec-cb934cc7c5f0)

\$3,000 (in US\$)

## 1969 Columbia 26' MKII sailboat

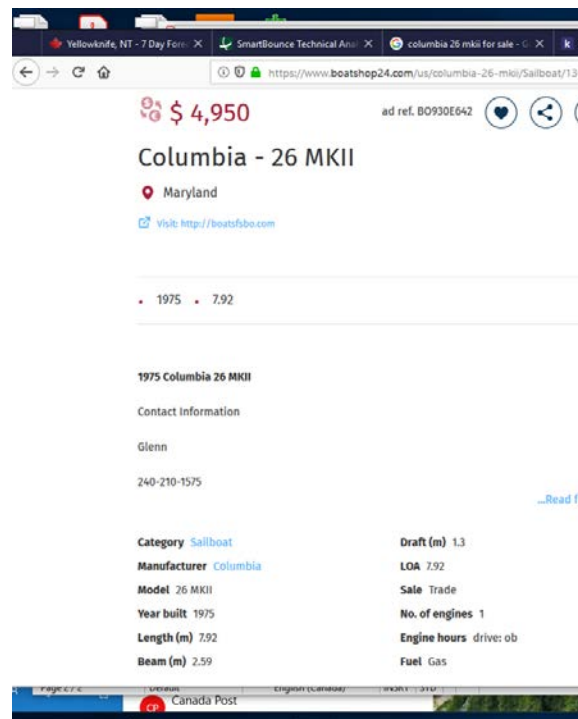
Selling my 26' Columbia to upgrade to a bigger boat. She is probably one of the fastest bay

sailors you will see. High freeboard so you never get wet when heeling and a 5.5' draft fin keel. Comes with newly sewn sails from Doyle Sailmakers and all new rigging lines. Brand new lifelines. Also have spinnaker. I have rebuilt the outboard motor which is a Mercury 4 stroke 6hp. New fuel tank and coast guard approved fuel lines, life jackets, and throwing devices. She was last scraped on 6/10/17 and could use a new paint job. All lights are functional except mast light that needs new bulb and the Windex on the top of mast needs tightened down. Have title in hand as is currently registered with hull numbers. She can be seen at Little Creek Marina. \$3000 obo

From boatshop24.com

[https://www.boatshop24.com/us/columbia-26-mkii/Sailboat/1362703?lang\\_translate=us](https://www.boatshop24.com/us/columbia-26-mkii/Sailboat/1362703?lang_translate=us)

in US\$



[http://olympia-wa.allboatlistings.com/sailboats/49951969-columbia-26-mk2-sailboat\\_17225353.html](http://olympia-wa.allboatlistings.com/sailboats/49951969-columbia-26-mk2-sailboat_17225353.html)

**Price:** \$4,995 (US\$)

**Date/Time:** 31 Jan, 06:38 a.m. EST

**Type:** Sailboats

**State:** Washington **City:** Olympia **Boat type:** Sailboats

Sailboats in Washington

[http://seattle.allboatlistings.com/sailboats/299526-columbia-mkii-must-selltrade-asap-tacoma\\_17258476.html](http://seattle.allboatlistings.com/sailboats/299526-columbia-mkii-must-selltrade-asap-tacoma_17258476.html)

**Price:** \$2,995 (US\$)

**Date/Time:** 12 Dec, 11:24 p.m. EST

**Type:** Sailboats

**State:** Washington **City:** Seattle **Boat type:** Sailboats

Sailboats in Washington

3) Listing from Yachtico.com for smallest, least expensive sailboat rental within Canada

Sailboat Catalina 27 for charter in Nanaimo Harbour  
Yacht Charter Canada › Nanaimo (Nanaimo Harbour)  
Sailing boat - Catalina 27 - Built in: 1984 - Cabins: 2 - Berths: 4  
Bareboat charter  
Max 4 persons  
FINAL PRICE Instant Confirmation  
from \$ 1,386 per week

4) Quotes for a sailboat trailer for Columbia 26 Mk II

a) Marine Cradle Shop (Cdn \$)

sales@cradleridetrailers.com

Hi John,

Thank you for inquiring with Marine Cradle Shop "Cradle Ride Trailers".

I am pleased to quote the following choice of trailers for your Columbia 26 Mk 2 sailboat:

P-6000 4 post trailer	\$5,885.00
P-7000 6 post trailer	\$6400.00

<b>Options:</b> Galvanize	\$425.00
Mast post carrier	\$200.00
6 post option	\$250.00
Spare tire & mount	\$210.00
Float on Package	\$650.00

(Includes extendable tongue, winch post and keel guides)

Ladder (to measure for when  
Boat is on trailer) \$350.00

**Standard Features:** fully welded 4" x 2" x 3/16" tube steel frame construction (P-7000 5" x 3" x 3/16" frame), keel support, 4/6 upright posts/pads, hydraulic surge brakes, adjustable axles, industrial tandem 5500lb axles, 4" drop axles, EZ lube hubs, submersible LED lights, 225 x 15" 8 ply tires, tongue jack, 4" x 3" x 3/16" tongue construction, 2" or 2 & 5/16" coupler.

The trailer conforms to the Canadian and the U.S. Department of Transportation Regulations.

Availability: 1 - 2 weeks for painted and 3 - 4 weeks for a galvanized trailer.

All orders must be accompanied by a \$2000.00 deposit payable by visa or mastercard or email-transfer. The balance is due by cheque/debit or email-transfer. (3% fee - balances paid by credit cards).

13% hst and delivery charges are extra.

If you have any questions, or if you would like to place an order, please give us a call.

Best Regards,

b) Sail Trailers (sailtrailers@sailtrailers.com) (US\$)

**Email text**

John, A base tandem axle painted trailer for your Columbia will cost \$4450. I have attached a spec sheet and an options page for this trailer. The people that ship for us usually charges \$1.25/mile plus any tolls. Let us know if we can help. Spencer

# Sail Trailers

6920 Macon Road, Columbus, GA 31907 (706)888-6722 or e-mail to [sailtrailers@sailtrailers.com](mailto:sailtrailers@sailtrailers.com)

## Specification List for 10,000LB GVWR Tandem Trailer – \$4450

- 6” Structural Channel Main Beams
- 3” Structural Channel Cross Beams
- 5” Structural Channel Spine w/ 2 x 10 Board on Top for Keel Support
- 2” Structural Square Tube for Risers
- 6) 1 ¼” Solid Threaded Rod for Adjustable Riser Pads
- 1) Bow Riser ‘V’ Shaped
- 2) Dexter 5200lb 4” Drop Axle
- 1) Electric Brakes on one axle
- 3000lb 5 Leaf eye- eye Springs
- 10,000lb GVWR Coupler for 2” Ball (2 5/16” Available)
- 15” LRD trailer tires with 655 lug Pattern
- Safety Chains with hooks
- Swing up Wheel Jack
- Standard incandescent Light Pkg
- Standard Painted finish is Industrial Modified Alkyd Enamel in your choice of color, black standard.



Thank you for choosing Sail Trailers