| | |
|---|---|
| **From:** | Shelagh Montgomery |
| **To:** | Ian McCrea; "Evan Walz" |
| **Cc:** | dawnand@gmail.com; "Lora Archer"; terryb@theedge.ca; "Kerry Penney"; dwaynecoad@yahoo.ca; Shannon Allerston; jburles@mac.com; cutleryk@icloud.com; gdrover@theedge.ca; "Frank Dwyer"; hepp@theedge.ca; "Plato, Natalie (AADNC/AANDC)"; "DeCoste, Candace (AADNC/AANDC)"; sonya_evan@ssimicro.com; xcapade@northwestel.net; "James Hodson"; jandy@theedge.ca; chuck@cjeffery.com; unclebuckyk@gmail.com; gregkr536@gmail.com; "Becky Lang"; "John"; "Ben McDonald"; kandkmcleod@gmail.com; dougyk@ssimicro.com; sueyk@ssimicro.com; "Katie O"Beirne"; terry.pamplin@outlook.com; lesmark@theedge.ca; "kris schlagintweit"; stephenfancott@hotmail.com; "Ryan Silke"; "Erika Nyyssonen" |
| **Subject:** | Re: GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031 |
| **Date:** | November-28-19 7:27:59 PM |
| **Attachments:** | MVLWB - Outline of General Board Process for Considering Claims for Water Compensation (August 26 2019).pdf<br>MVLWB - Outline of the Legislative Framework for Water Compensation Claims (June 28, 2019).pdf |

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Dear Evan and Ian,

In response to your emails of November 26, 2019 requesting additional time for Claimants to provide responses to the review of their Claims for Water Compensation as submitted by the Giant Mine Remediation Project Team (GMRP) on November 15, 2019, the Mackenzie Valley Land and Water Board (MVLWB, or the Board) will provide an **extension until December 13, 2019**. Please note that a response to GMRP must be filed by that date. If you are continuing the effort to negotiate a settlement the same deadline applies.

Throughout the water compensation process the Board has maintained procedural fairness via the granting of numerous extensions to timelines for both the Claimants and GMRP. We wish to note, however, that while there are no legislated timelines specific to water compensation, the Board cannot make a decision on the issuance of the water licence for the remediation of the Giant Mine site until it is satisfied that any claims for water compensation have been addressed. The Board is bound by a 9-month legislated timeline during which it must make a decision on a water licence application. In the case of the Giant Mine proceeding, that time is running out.

The Board provided overview documents about the water compensation process in June and August this past summer (attached). At that time, it was noted that the compensation regime is a legal process and that consulting with counsel would assist with fully understanding the legislation and requirements.

To the request that funding be provided to the Claimants to assist with the hiring of legal counsel, the MVLWB has no means to provide participant funding for its proceedings.

For clarity, the deadline for all Claimants to submit responses to the GMRP's review of the Claims for Water Compensation has been **extended to December 13, 2019**.

Sincerely,

Shelagh

Shelagh Montgomery, PhD
Executive Director
Mackenzie Valley Land and Water Board

7th Floor, 4922 48th St. | PO Box 2130 | Yellowknife, NT | Canada | X1A 2P6
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Please note: All correspondence to the Board, including emails, letters, faxes, and attachments are public documents and may be posted to the Public Registry.

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**From:** Ian McCrea <i_mccrea@northwestel.net>
**Sent:** Tuesday, November 26, 2019 4:45:47 PM
**To:** 'Evan Walz' <evan.walz@gmail.com>; Shannon Allerston <sallerston@mvlwb.com>; Shelagh Montgomery <smontgomery@mvlwb.com>; 'Plato, Natalie (AADNC/AANDC)' <natalie.plato@canada.ca>; 'DeCoste, Candace (AADNC/AANDC)' <candace.decoste@canada.ca>
**Cc:** dawnand@gmail.com <dawnand@gmail.com>; 'Lora Archer' <lora.l.archer@gmail.com>; terryb@theedge.ca <terryb@theedge.ca>; 'Kerry Penney' <kpenney@yellowknife.ca>; dwaynecoad@yahoo.ca <dwaynecoad@yahoo.ca>; jburles@mac.com <jburles@mac.com>; cutleryk@icloud.com <cutleryk@icloud.com>; gdrover@theedge.ca <gdrover@theedge.ca>; 'Frank Dwyer' <fdwyer74@gmail.com>; hepp@theedge.ca <hepp@theedge.ca>; sonya_evan@ssimicro.com <sonya_evan@ssimicro.com>; xcapade@northwestel.net <xcapade@northwestel.net>; 'James Hodson' <hodsonja@gmail.com>; jandy@theedge.ca <jandy@theedge.ca>; chuck@cjeffery.com <chuck@cjeffery.com>; unclebuckyk@gmail.com <unclebuckyk@gmail.com>; gregkr536@gmail.com <gregkr536@gmail.com>; 'Becky Lang' <robandbecky@hotmail.com>; 'John' <mccullumbooth@northwestel.net>; 'Ben McDonald' <benmcdonald@mac.com>; kandkmcleod@gmail.com <kandkmcleod@gmail.com>; dougyk@ssimicro.com <dougyk@ssimicro.com>; sueyk@ssimicro.com <sueyk@ssimicro.com>; 'Katie O'Beirne' <kmr.obeirne@gmail.com>; terry.pamplin@outlook.com <terry.pamplin@outlook.com>; lesmark@theedge.ca <lesmark@theedge.ca>; 'kris schlagintweit' <krisschlag@gmail.com>; stephenfancott@hotmail.com <stephenfancott@hotmail.com>; 'Ryan Silke' <ryansilke@gmail.com>; 'Erika Nyyssonen' <Erika_Nyyssonen@gov.nt.ca>
**Subject:** RE: GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031

Hello Shannon Shelagh et al….

I believe the members of the Great Slave Sailing Club support Evan's request for additional time as we are relying on our own wits rather than legal counsel or any special knowledge of this process.

Thank you for your consideration

Ian McCrea
Great Slave Sailing Club

---

**From:** Evan Walz <evan.walz@gmail.com>

**Sent:** Tuesday, November 26, 2019 1:08 PM
**To:** Shannon Allerston <sallerston@mvlwb.com>; Shelagh Montgomery <smontgomery@mvlwb.com>; Plato, Natalie (AADNC/AANDC) <natalie.plato@canada.ca>; DeCoste, Candace (AADNC/AANDC) <candace.decoste@canada.ca>
**Cc:** dawnand@gmail.com; Lora Archer <lora.l.archer@gmail.com>; terryb@theedge.ca; Kerry Penney <kpenney@yellowknife.ca>; dwaynecoad@yahoo.ca; jburles@mac.com; cutleryk@icloud.com; gdrover@theedge.ca; Frank Dwyer <fdwyer74@gmail.com>; hepp@theedge.ca; sonya_evan@ssimicro.com; xcapade@northwestel.net; James Hodson <hodsonja@gmail.com>; jandy@theedge.ca; chuck@cjeffery.com; unclebuckyk@gmail.com; gregkr536@gmail.com; Becky Lang <robandbecky@hotmail.com>; i_mccrea@northwestel.net; John <mccullumbooth@northwestel.net>; Ben McDonald <benmcdonald@mac.com>; kandkmcleod@gmail.com; dougyk@ssimicro.com; sueyk@ssimicro.com; Katie O'Beirne <kmr.obeirne@gmail.com>; terry.pamplin@outlook.com; lesmark@theedge.ca; kris schlagintweit <krisschlag@gmail.com>; stephenfancott@hotmail.com; Ryan Silke <ryansilke@gmail.com>; Erika Nyyssonen <Erika_Nyyssonen@gov.nt.ca>
**Subject:** Re: GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031

Shannon/Shelagh et al,

It is unlikely that a small, non-profit society such as ours will be able to respond to such legal arguments without seeking professional legal assistance. Such legal assistance costs money; money that a small, non-profit group simply doesn't have. I'm sure the Board and the federal government are aware of this, but I wanted to remind everyone of that important fact.

Given the above reality, I see two options on how we might proceed:

1) we seek funding from the Giant team and/or the Board to engage a local legal firm and review the arguments being put forward in the Nov. 15/19 letter from the Giant team and develop a response. This is likely to take some time as we will need to secure funding, acquire legal counsel, and provide them sufficient time to undertake a thorough review of the arguments being put forward; or
2) we ask the Board to 'pause' the deadline on responding to the Nov. 15/19 letter from the Giant team.

Given that we have been working towards a solution that would see unobstructed access to a launch facility, and that progress (however slow) is being made on that front, I would suggest the board consider option #2 above. The fact is that if an alternative launch site is developed and unobstructed access becomes a reality, the majority of compensation claims will likely be withdrawn.

I ask the Board and the Giant Team - why would we force a decision on compensation claims when we don't even know how many claims are needed? As outlined above, doing so will only cost all parties money and time. Wouldn't it be better for us to focus our efforts, resources and time on realizing the alternate launch solution and avoiding (or at least minimizing) the number/value of

compensation claims, legal expenditures, etc. etc.?

I would urge the Board to pause the timeline on responding to the Nov. 15/19 letter from the Giant Mine team until such time as we know whether or not an alternative launch site will be developed.

Evan Walz
Giant Mine Remediation Committee
Great Slave Yacht Club

On Fri, Nov 22, 2019 at 8:33 AM Shannon Allerston <sallerston@mvlwb.com> wrote:

> Good morning,
> Attached are the list of authorities related to the GMRP response to compensation claims.
> They will be posted to the registry.
> Please remember, replies to the Project team's responses are due on December 5, 2019 and should not include additional evidence regarding your claim for compensation.
> If you have any questions, please let me know.
> Thank you,
>
> Shannon Allerston, MA, MSc
> Regulatory Specialist
> Mackenzie Valley Land and Water Board
> 7th Floor, 4922 48th St, PO Box 2130 | Yellowknife, NT | X1A 2P6
> ph 867.766.7465 | fax 867.873.6610
> sallerston@mvlwb.com | www.mvlwb.com
>
> Please note: All correspondence to the Board, including emails, letters, faxes and attachments are public documents and may be posted to the public registry.
>
> ---
>
> **From:** Shannon Allerston
> **Sent:** November-19-19 9:01 AM
> **To:** 'dawnand@gmail.com' <dawnand@gmail.com>; 'Lora Archer' <lora.l.archer@gmail.com>; 'terryb@theedge.ca' <terryb@theedge.ca>; 'Kerry Penney' <kpenney@yellowknife.ca>; 'dwaynecoad@yahoo.ca' <dwaynecoad@yahoo.ca>; 'jburles@mac.com' <jburles@mac.com>; 'cutleryk@icloud.com' <cutleryk@icloud.com>; 'gdrover@theedge.ca' <gdrover@theedge.ca>; 'Frank Dwyer' <fdwyer74@gmail.com>; 'hepp@theedge.ca' <hepp@theedge.ca>; 'sonya_evan@ssimicro.com' <sonya_evan@ssimicro.com>; 'evan.walz@gmail.com' <evan.walz@gmail.com>; 'xcapade@northwestel.net' <xcapade@northwestel.net>; 'James

Hodson' <hodsonja@gmail.com>; 'jandy@theedge.ca' <jandy@theedge.ca>; 'chuck@cjeffery.com' <chuck@cjeffery.com>; 'unclebuckyk@gmail.com' <unclebuckyk@gmail.com>; 'gregkr536@gmail.com' <gregkr536@gmail.com>; 'Becky Lang' <robandbecky@hotmail.com>; 'i_mccrea@northwestel.net' <i_mccrea@northwestel.net>; 'John' <mccullumbooth@northwestel.net>; 'Ben McDonald' <benmcdonald@mac.com>; 'kandkmcleod@gmail.com' <kandkmcleod@gmail.com>; 'dougyk@ssimicro.com' <dougyk@ssimicro.com>; 'sueyk@ssimicro.com' <sueyk@ssimicro.com>; 'Katie O'Beirne' <kmr.obeirne@gmail.com>; 'terry.pamplin@outlook.com' <terry.pamplin@outlook.com>; 'lesmark@theedge.ca' <lesmark@theedge.ca>; 'kris schlagintweit' <krisschlag@gmail.com>; 'stephenfancott@hotmail.com' <stephenfancott@hotmail.com>; 'Ryan Silke' <ryansilke@gmail.com>
**Cc:** Shelagh Montgomery <smontgomery@mvlwb.com>; 'DeCoste, Candace (AADNC/AANDC)' <candace.decoste@canada.ca>; Plato, Natalie (AADNC/AANDC) <natalie.plato@canada.ca>
**Subject:** RE: GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031

Good morning,

Board staff have followed up with the Giant Mine Remediation Project (GMRP) Team after a review of its response to Claims for Water Compensation to request additional citations to the legal authorities for many important points made in its argument. This information is expected to be submitted by Friday, November 22. Once available, it will be forwarded along for your reference. A copy of Board Staff's email is available on the Public Registry: https://mvlwb.com/registry/MV2007L8-0031

As a result, an extension to the Claimants' responses is being provided to **December 5, 2019**.

Please note, no new information or evidence should be provided in your reply to the GMRP. Replies should only include argument in response to the sections of the GMRP letter that apply to you. If you have any questions, please contact me using the information provided below.

Thank you,

Shannon Allerston, MA, MSc
Regulatory Specialist
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th St, PO Box 2130 | Yellowknife, NT | X1A 2P6
ph 867.766.7465 | fax 867.873.6610
sallerston@mvlwb.com | www.mvlwb.com

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**From:** Shannon Allerston
**Sent:** November-15-19 4:28 PM
**To:** dawnand@gmail.com; Lora Archer <lora.l.archer@gmail.com>; terryb@theedge.ca; Kerry Penney <kpenney@yellowknife.ca>; dwaynecoad@yahoo.ca; jburles@mac.com; cutleryk@icloud.com; gdrover@theedge.ca; Frank Dwyer <fdwyer74@gmail.com>; hepp@theedge.ca; sonya_evan@ssimicro.com; evan.walz@gmail.com; xcapade@northwestel.net; James Hodson <hodsonja@gmail.com>; 'jandy@theedge.ca' <jandy@theedge.ca>; chuck@cjeffery.com; unclebuckyk@gmail.com; gregkr536@gmail.com; Becky Lang <robandbecky@hotmail.com>; i_mccrea@northwestel.net; John <mccullumbooth@northwestel.net>; Ben McDonald <benmcdonald@mac.com>; kandkmcleod@gmail.com; dougyk@ssimicro.com; sueyk@ssimicro.com; Katie O'Beirne <kmr.obeirne@gmail.com>; terry.pamplin@outlook.com; lesmark@theedge.ca; kris schlagintweit <krisschlag@gmail.com>; stephenfancott@hotmail.com; Ryan Silke <ryansilke@gmail.com>
**Cc:** Shelagh Montgomery <smontgomery@mvlwb.com>
**Subject:** FW: GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031

Good afternoon,
Attached is the Giant Mine Remediation Project Team's response to Claims for Water Compensation under Water Licence Application MV2007L8-0031.
Please review carefully. As claimants, you have an opportunity to reply to the Project's response to your original claim. The deadline for the reply is **November 27, 2019**.
If you have any questions, please contact me using the information provided below.

All documents related to compensation can be found on the Board's Public Registry at https://mvlwb.com/registry/MV2007L8-0031

Thank you,

Shannon Allerston, MA, MSc
Regulatory Specialist
Mackenzie Valley Land and Water Board
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ph 867.766.7465 | fax 867.873.6610
sallerston@mvlwb.com | www.mvlwb.com

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**From:** DeCoste, Candace (AADNC/AANDC) <candace.decoste@canada.ca>
**Sent:** November-15-19 4:04 PM
**To:** Shannon Allerston <sallerston@mvlwb.com>
**Cc:** Plato, Natalie (AADNC/AANDC) <natalie.plato@canada.ca>; Shelagh Montgomery <smontgomery@mvlwb.com>
**Subject:** GMRP - Response to claims for compensation with respect to water licence application MV2007L8-0031

Hi Shannon,

Please find attached the GMRP's response to claims for compensation.

Regards,

Candace

Candace DeCoste

Regulatory Manager, Giant Mine Remediation Project
Crown-Indigenous Relations and Northern Affairs Canada / Government of Canada
candace.decoste@canada.ca / Tel: 867-669-2461