



## 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:	MV2007L8-0031 DIAND - GIANT - MV2019X0007
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**2 Information about the Claimant**

Claimant's Name:	Dawn Andrews		
Community:	Yellowknife		
Prov/Terr:	NT	Email:	Dawnand@gmail.com

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

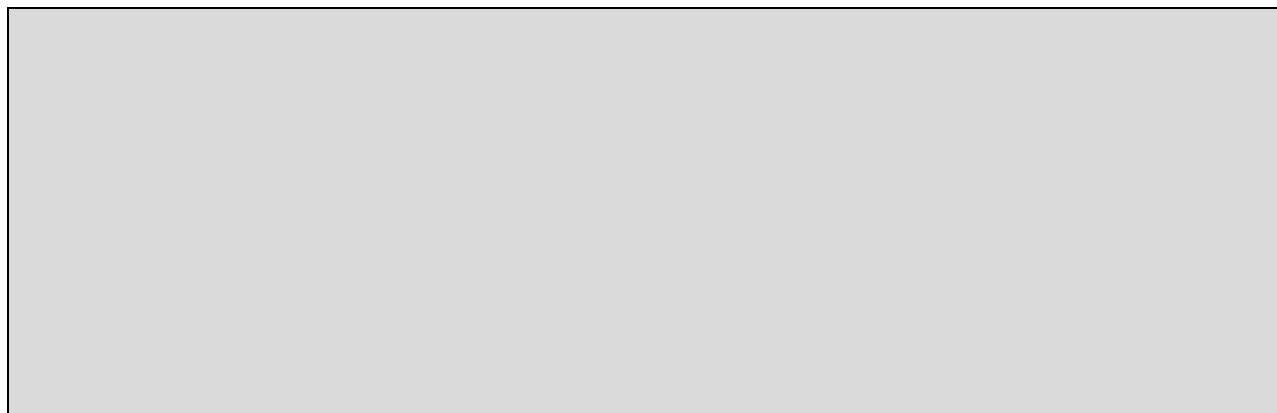
**3 Information about Eligibility**

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 am an occupier of the Great Slave Sailing Club (GSSC) property by virtue of my membership in the club of 5 years. I store my 26 foot sailboat and trailer on the property and launch/retrieve it by the Giant mine boat launch into Back Bay. I participate in training classes on the property. I perform maintenance on my boat on the property. When my boat is in the water, I store my boat trailer on the property. I utilize the property year-round.



\*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>
Offsite commercial storage for boat and trailer for 2 years. \$715/year + GST <a href="http://www.packrat-storage.ca/index-1.1.html">http://www.packrat-storage.ca/index-1.1.html</a>	\$1501.50
Travel to attend sailing training courses at facility outside of Yellowknife (flight \$600 + \$100 hotel * 2 nights) * 2 people * 2 years = \$2600	\$2600
Crane costs spring and fall if boat launch unavailable \$1000*2 seasons*2years	\$4000
	TOTAL \$8101.50

<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>**

<b>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?</b>	<b>What is the monetary value?<sup>5</sup></b>

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

<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.

**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?**

Unknown

**What are the incremental, gradual or accumulative effects of the proposed licensed activities?**

\*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.**

May not be able to access water unless a suitable alternative boat launch is developed. Will not have access to sailing classes on Great Slave Lake.

\*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? <sup>6</sup>

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

<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.



**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.**

Alternative storage and launching facilities

\*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.

\*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.