



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 – MV2019X007
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2 Information about the Claimant

Claimant's Name:	Sherry and Gerald Drover		
Community:	Yellowknife		
Prov/Terr:	NT	Email:	gdrover@theedge.ca

¹ 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):

We are occupiers of the Great Slave Sailing Club (GSSC) property by virtue of our membership in the club of over 17 years.

Our sailboat is a Catalina 36: weight 18000 lbs., length 36', width 11'9" wide and has a mast 54 feet in height.

We launch our 36-foot sailboat into Back Bay and retrieve it from Back Bay by 100-ton crane from the GSSC 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, racing and social activities of the club. We perform maintenance on our boat at the dock on the property. We make use of the property docking facilities and storage for our dinghy and sailboat trailer from early June until mid-September of each year. Typically, the launch of boats occurs during the first weekend of June and the retrieval of boats in mid-September. Between mid-September to early June our boat is stored on the property. Due to the 54-foot height of the mast our boat is captive to the yard during this storage period and cannot be moved on the local roads.

During the autumn/winter/and spring our boat is stored on a custom built trailer equipped with a goose neck tow hitch and drop axles resulting in very a low road clearance of approximately 5 inches. The drop axles are beneficial for lowering the overhaul height of the boat for transportation over normal roads/highways and groomed surfaces/grades. However, the trailer is not designed or intended to be transported over uneven or sharply crested or ungroomed road conditions which result in the axles bottoming out on the road surface. When the trailer bottoms out there is high potential that damage will occur to the axles and a possibility of the boat and trailer becoming stuck on the sharp crest of the hill exiting the GSSC boat yard.

During lift in / lift out our boat and trailer is moved around the GSSC yard using my F350. However, due to the low trailer clearance and the combined boat and trailer weight being over the F350 GVW a larger tow vehicle will be required to move the boat and trailer out of the boat yard and transported on public roadways.

Accordingly, a highway tractor will need to be hired to remove and return the boat and trailer from the GSSC yard to and from a storage facility and an assigned lift in/out location.

Our boat and trailer with the mast in transportation position are 45 feet long and require a groomed level area for storage.

Other than short distances Our boat cannot be transported by land with the mast in place.

When transported our boat mast has to be removed and secured to the top of the boat and supported by cribbing which has chafe/impact protecting material/padding attached. This cribbing has to be constructed and ready for the time of the mast un-stepping. When the mast is in the transportation position it is projecting over the bow and stern of the boat resulting in an overall length of 45 feet.

I have received information on the plan that is being developed which may reduce the impact on the club and the public while still achieving the goals of remediation. This information included tentative timelines. 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 we understand that the many of the club's sailboats will be move to a higher location 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.

The majority of sailboats may be moved to the property above the boat yard. Our trailer is too low to be moved up to and stored at the top of the property unless a very long level spot at grade is available for it. Also, it is too low to move it from the main road to and from the property without a larger tractor.

If a flat parking pad, levelled to grade, is unavailable above the boat yard then commercial storage for boat and trailer will be needed. In comparison to other large sail boats of our class the cost of stepping the mast varies depending on conditions and requires additional crane time/costs. The frequent removing and installing of the mast also introduces unnecessary wear and tear on the mast and its matting components that is not normal. The cost to step and unstep the mast is between \$1,100 and \$1,400. This is based on the cost incurred on a of similar class boat.

*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. Polar Bear Storage quote \$36 for first 30 feet, \$1.00 per foot thereafter per month. For our 45 foot trailer, this works out to be \$51,00 per month or \$1683.00 plus GST for 33 months.	\$1,767.15
Transportation of boat and trailer to and from public dock for launching. 4 round trips removal and return to main boat yard - 2 trips. 6 x 300 plus GST	\$1,890.00
Stepping and unstepping of mast – in and out of yard = 2, in and out at public dock = 4. 6 X 900 = 5,400 plus GST (this is net of ordinary cost of \$200)	\$5,670.00
Construction of support cribbing for mast	\$200.00
Trailer registration Currently our trailer does not be registered as it do not travel on public roads.	\$ 36.00
Total	\$9,563.15

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.

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

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.	
Driver to drive boat and tractor trailer to BC (Weatherby 2016 estimate) Total or	\$8100
Value of our 36ft Catalina Sailboat – 2014 purchase price plus cost of upgrades Total	<u>\$48,000.00</u> \$56,100

*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?
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.

We will be unable to access the water at all and we will not be able to store our boat unless the plan which is currently developing or something similar is implemented.

*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.

If a flat, area approximately 50 feet long at the same grade as driveway is available to store our trailer and boat at the top of our property then the cost of commercial storage can be avoided in total. Potential savings for storage \$1,776.15.

*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.
I have sent a copy of this claim for compensation 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.