



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:	MV2007LB-0031Giant Mine Remediation Project
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2. Information about the Claimant

Claimant's Name:	David Kellett & Sheila Bassi-Kellett		
Community:	Yellowknife		
Prov/Terr:	NWT	Email:	unclebuckyk@gmail.com

3. Information about Eligibility

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

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 (MVRMA)</i> 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	
(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 long-term members of the Great Slave Sailing Club (GSSC).
Our sailboat is a 26' Grampian that is stored on the GSSC property on a custom-fitted trailer.
The draft of the boat is 5 feet.
We use the property all year. From Sept-June the boat is stored on-site. During the summer, while the boat is in the water, the trailer is stored on-site.
The wharf is used for launching in the spring and retrieval in the fall by crane. The wharf is essential for launching and retrieving most boats at the GSSC because of the ability to access deep water, support the weight of the rented crane, and the space necessary to maneuver boats & trailers.
GSSC has installed electricity on-site for maintenance of boats and equipment.
We also use the clubhouse building for information meetings and social gatherings of GSSC members.

*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?
Immediate losses will be related to moving off the GSSC property. 1) Cost of making the trailer roadworthy to facilitate moving the boat to a new storage area: - new tires \$250.00 x4 - lights, brakes, registration and licence. 2) Increased costs of launching and retrieving; - lowering and securing mast for transporting to storage site - raising mast the following spring during launching. 3) Cost of new storage space in commercial storage yard, and transport to and from.	1000.00 300.00 400.00/year 1600.00/year
Total estimated increased cost due to project	3,300.00
Note: Trailer repair costs are one time only. Other costs are yearly during project disruption.	

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.

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

Potential Losses or Damages³

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?
<p>Potential future loss could include the total value of the boat itself. If the project continues beyond the year or two that is proposed, the boat would lose all value for resale in Yellowknife. The cost of transport could prohibit its sale to other parts of Canada.</p>	<p>10,000.00</p>

³ Potential loss or damage refers to those losses and damages that may occur as indicated through evidence or argument.

*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

How widely (over what area) will potential effects of the proposed licensed activities extend?

As described previously.

How long (over part or all of the term of the Licence) will potential effects of the proposed licensed activities last?

The current proposal suggests that loss of use of the GSSC property would be for two years, including two summer sailing seasons.

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.

The proposal has the potential to completely take away the enjoyable use of our sailboat on Great Slave Lake.
 If the GSSC site is not available for launching and retrieving the sailboat, and an alternative location is not found, then there could be no enjoyment of use of the boat on the lake for as long as the site is closed.

*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?
Should not have an effect	

*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.

As a member of GSSC, I have attended meetings with the applicant where we have tried to influence their plan, to accommodate our concerns and explore ways to limit the effect the project will have on our use of the site.

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.

The applicant must communicate plans, and changes to that plan, with all stakeholders. The applicant must also be open to suggestions on how to stage the operation for minimal disruption. The Applicant should strive to make the area better. They should work with the City and the Club to improve the water front to a world class site. They are spending close to a billion dollars on the area so the cost of the construction of level area and a proper breakwater is minor and the spin off benefits well beyond the initial investment.

*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).

Since you ask, lump sum would be preferable

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 an organization, GSSC has met with the applicant to discuss the plan, but dollar compensation was not discussed.

*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.

We, and most GSSC members, support the remediation project. The area needs to be cleaned for future generations. We hope that this can be accomplished in a timely and efficient manner.

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