

October 18, 2019

Shelagh Montgomery
Mackenzie Valley Land and Water Board P.O Box 2130
4922 - 48th Street
7th Floor YK Centre Mall
Yellowknife, NT X1A 2P6

Claim for Water Compensation: MV2007L8-0031- DIAND-GIANT

Dear Ms. Montgomery,

As directed in your e-mail to me on September 16, 2019, I respectfully submit the following cover letter with my application for compensation, explaining why I missed the August 15, 2019, deadline to submit a Notice of Intent to File a Claim.

Since I became aware of the Giant Mine Remediation Project and it's potential impact on the Great Slave Sailing Club and the ability of club members to launch and retrieve sailboats from the club's facilities, my understanding of the potential duration of the impacts and the implications for me as a sailboat owner have continually evolved. Shortly after club members were notified of the water licencing process for this project, the GSSC applied to extend the area of its current lease and also applied for an additional lease adjacent to the current site. The intent of these lease applications was to allow club members to move their boats a short distance off of the current GSSC site to the adjacent area while the remediation activities took place. Had these lease applications been granted to the club, I would not likely have incurred any impacts or additional costs other than potentially losing the ability to use my sailboat for one or more seasons while the remediation activities took place. Based on that scenario I had not intended to submit a claim for compensation. However, a decision has yet to be made on the club's lease applications and there is some uncertainty as to whether the GSSC will even be able to return to the current site once remediation activities are completed. As the deadline for the Notice of Intent to File a Claim approached, I was thus quite uncertain about what the basis of my claim might be. Furthermore, my family and I were out of the country traveling during the month of August and I thus missed a meeting organized by club members to discuss and clarify the basis of their potential claims prior to the August 15 deadline. I therefore did not submit a Notice of Intent to File a Claim by the required deadline.

On September 17, 2019, I attended a meeting with the Giant Mine Remediation Project team to gain a better understanding of the sequencing of activities for the project, the potential basis for a compensation claim, and to discuss alternate approaches to the project that could lessen the impacts. On October 10, 2019 the Giant Mine Remediation Team submitted a letter to the City of Yellowknife that

reflected the alternate scenario discussed at the September meeting, which could help to limit disruptions to users of both the GSSC and the public boat launch. This letter greatly clarified the potential extent and duration of impacts to me as boat owner and member of the GSSC.

With this new information and the above reasons for missing the August 15 deadline in mind, I respectfully submit the attached claim form for compensation.

I thank the MVLWB for considering this request and am available to meet with you if you would like to discuss it further.

Sincerely,

James Hodson



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 - MV2007L8-0031
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2 Information about the Claimant

Claimant's Name:	James Hodson		
Community:	Yellowknife		
Prov/Terr:	NT	Email:	hodsonja@gmail.com

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):

I have been a full member of the Great Slave Sailing Club (GSSC) since 2017 when I purchased a 26' foot sailboat (San Juan 7.7) from another club member, and have been an occupier of the GSSC property since that time by virtue of my membership. Prior to that I attended the Great Slave Sailing Club's summer sailing school for 2 seasons, which prompted me to buy my own boat and become a full club member. I launch my sailboat into Back Bay and retrieve it from Back Bay by a 100 ton crane, with storage on a trailer on the GSSC property. My sailboat weighs ~3200 lbs, has 9.5' beam, and a fixed keel, so it cannot be launched by trailer from the club's facilities or from the Giant Mine public boat launch. I maintain a mooring in the mooring field in the waters adjacent to the property. I access my sailboat in the mooring field by dinghy from the property. I participate in the cruising, racing and social activities of the club. I perform maintenance on my sailboat at the dock, when my sailboat is in the water, and on land, when my sailboat is sitting in its cradle on the property. I make use of the GSSC property from mid-May until mid-October of each year. Typically, the GSSC launches sailboats during the first weekend of June, with the retrieval and storage of sailboats in mid-September. On-shore maintenance is performed in May, September and early October. I store my boat on its trailer in the GSSC property over the winter, and store my trailer and dinghy on the GSSC property during the summer when my boat is in the water.

My claim is based upon the scenario described in the recent Oct. 10, 2019 letter from Natalie Plato of the Giant Mine Remediation Project to the City of Yellowknife, and a meeting that I attended between the Giant Mine Remediation Project and members of the Great Slave Sailing Club and Great Slave Yacht Club on Sept. 17, 2019, which indicated the possibility of limited disruption to the club and members operations. It is my understanding that many of the club's sailboats might 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.

There is some uncertainty as to whether GSSC members will be able to relocate their sailboats to an area adjacent to the property, as it is my understanding that the GSSC applied to the City of Yellowknife to extend the area of their current lease, and applied to lease a new parcel of land adjacent to the current club property, but there is no indication yet of whether those lease applications will be granted. I have therefore estimated the costs of off-site commercial storage for my sailboat and trailer during the period when the GSSC property will be inaccessible to members. If this is the case then my trailer will need to be made road-worthy, and will need to be licenced and registered. I do not own a vehicle capable of towing by boat and trailer, and I will therefore need to hire someone to move it off site. In order to remove my boat from the GSSC site, store it off site, and bring it to the public boat launch, I will need to use a crane to step the mast. As most other club members will also need to lower and step their masts to move off the site and to lift in and lift out at the public boat launch this will increase the amount of time needed for the crane which will increase costs. I have accounted for the increased crane costs over and above current lift-in and lift-out costs.

*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
Trailer Certificate of Registration - any duration between 13 and 18 months	\$38
Trailer Licence Plate - New Issue	\$12
Cost to make trailer road worthy (fix tail lights, brake lights and turn signals)	\$200
Cost to rent a truck capable of towing trailer or hiring a towing service to move the boat and trailer off site: \$200/trip; 6 trips total from GSSC yard or public boat launch to off-site storage and back (remove from GSSC site; return to lift in at public boat launch and lift out at public boat launch and return to offsite storage X 2 seasons; return to GSSC boat yard)	\$1200
Off site storage – 33 months @ \$36/month based on Polar Bear Storage quote for up to 30 foot trailer plus GST	\$1188
Stepping and unstepping of mast – in and out of yard = 2, in and out at public dock = 4. 6 X \$400 = \$2,400 plus GST (this is net of ordinary cost of \$200)	\$2400
Total	\$5038

*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 my boat is denied access over the long term it will either have to be hauled	

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.

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

⁵ Ibid.

<p>south for sale or declared a total loss.</p> <p>Approximate value of my boat based on listed prices of used boats of the same make and model (San Juan 7.7) in other Canadian cities (http://northsaanich.canadianlisted.com/boats-yachts-and-parts/26-39-san-juan-7-7-34-artemis-34_4282438.html http://cowichanbay.canadianlisted.com/boats-yachts-and-parts/san-juan-7-7-26-ft-sailboat_4616253.html)</p>	<p></p> <p>\$10,000</p> <p></p> <p></p> <p></p>
<p></p>	<p></p> <p></p> <p></p> <p></p> <p></p>

*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?

The proposed remediation activities will cover the entirety of the GSSC's boat yard plus an area extending out from the shoreline of the GSSC yard where the lake sediment remediation will take place.

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

The effects to the GSSC and its members will last for part of the term of the Licence.
The effects will last as long as the remediation project prevents access to the GSSC boat yard and the launch and retrieval of boats from the boat yard.

As a worst-case scenario I have assumed that I will be unable to use the GSSC boat yard for 33 months.

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.

Unless the plan currently proposed by the Giant Mine Remediation Project or something similar is implemented, I may lose access to the water for several years.

My use the water of Back Bay, Yellowknife Bay and Great Slave Lake is to sail in the summer. I became a member of the GSSC because I purchased my sailboat from another member there, and it is the most affordable place in Yellowknife to store, launch and retrieve a sailboat. I directly depend on access to Back Bay to be able to use my sailboat. Given it's fixed keel and draft of ~4.5 feet, I need access to a water body of sufficient size and depth to be able to manoeuvre it. Great Slave Lake is the only such water body in close proximity to Yellowknife that is suitable for sailing fixed keel sailboats.



*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
This will not be an issue if the plan currently proposed by the Giant Mine Remediation Project or something similar is implemented	

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.

*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 attended a meeting on September 17, 2019, with the Giant Mine Remediation Project team to gain a better understanding of the project, express concerns about the impacts of the project, and discuss alternate approaches to the project that could lessen the impacts. That meeting likely resulted in the Giant Mine Remediation Project's current proposal described in their letter to the City of Yellowknife dated Oct. 10, 2019.

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 the Giant Mine Remediation Project (CIRNAC and GNWT) and the City of Yellowknife can come to a clear understanding of whether or not the GSSC can expand its lease at the top of its current property, or if the GSSC can use this area without a lease and the area is further cleared and levelled to provide an amount of space equivalent to the current GSSC property, then the cost of commercial storage can be avoided completely, which would save me \$1188.

[Empty box for documentation]

*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.

No



*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.

Yes. I attended a meeting with the Giant Mine Remediation Project team on Sept. 17, 2019 at the Scotia Centre that involved members of the GSSC and GSYC. The Giant Mine Oversight Board was also present. Information was exchanged to clarify what the nature and scope of the compensation claims might be (scope of work, duration of impacts, alternate scenarios). Attendants at the meeting suggested alternate approaches to carry out the project that could help mitigate the need for compensation claims.

I did not request compensation in any amount at that meeting, nor was any compensation offered. I have not attempted any direct negotiations with the applicant.

I have sent a copy of this claim for compensation to the Deputy Director of the Giant Mine Remediation Project.

*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.

I am supportive of the remediation project and would like to see the site cleaned up and made safe for future public use. This compensation claim is only intended to recover costs that I would not otherwise have had to cover were it not for this project.

I have included a cover letter explaining why I missed the August 15, 2019 deadline to file a Notification of an Intent to file a Claim for Water Compensation.

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