



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:	MV 2007 LB-0031
--	-----------------

2 Information about the Claimant

Claimant's Name:	BECKY JANE LANG		
Community:	YELLOWKNIFE, NT		
Prov/Terr:	NT	Email:	ROBANDBECKY@HOTMAIL.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	
(b)(iii)	In-stream users	
(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	X

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):

COMMERCIAL FISHING:
 PURCHASED A NEW BOAT IN AUGUST 2019. (28 FOOT KING FISHER)
 THE ONLY BOAT LAUNCH IN YELLOWKNIFE ABLE TO LAUNCH
 IT IS AT GIANT MINE.
 A CLOSURE OF THE BOAT LAUNCH WOULD EFFECTIVELY
 SHUT DOWN OUR FISHING AND BERRY PICKING BUSINESS
 AS WE ACCESS BOTH FROM THE WATERS OF GREAT
 SLAVE LAKE.
 WE USE THIS BOAT LAUNCHED FROM ICE OUT IN THE
 SPRING TO ICE IN IN THE FALL. (MAY/JUNE - OCTOBER)

*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
<p>See ATTACHED DOCUMENTS FOR income from fishing from 2016 forward, AND projections going FORWARD WITH A New Bigger vessel. Not only would A closure of the boat launch negate all future income from fishing, BUT effectively render the vessel obsolete WITH A PURCHASE PRICE of \$208,433.40</p>	<p>2016 \$28,184.03 2017 \$33,656.50 2018 \$48,255.83 Projected Profits WITH New Boat Purchased in August 2019 2019 \$39,500.00 2020 \$87,250.00 2021 \$107,600.00</p>

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

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.

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
<p><i>SEE ATTACHED PROJECTIONS FOR INCOME. WITHOUT ANOTHER OPTION ALL COMMERCIAL/FISHERY ACTIVITIES WOULD CEASE.</i></p>	<p><i>2020 \$87,250.00 2021 \$107,600.00</i></p>

*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?

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.

Commercial Fishing / Berry Picking:
I commercially fish and pick berries for the local yellowknife market. Both are accessed from the waters of great slave lake.
Each summer since its inception I have had a booth at the yellowknife farmers market where I sell fish, fish tacos, fish based Jewellery and berries, jams and syrups, made from locally picked berries.
I also contract to the GNWT to conduct jam making classes in remote communities of the NWT with these berries.
(my husband) and I use the Grant mine Boat Launch 4-5 days a week in order to launch and retrieve our boat for these activities. A closure of the launch would effectively put me out of business.
We use the boat launch from May/June to October of every year.

*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
<p>Inconvenience of NOT Being ABLE to Launch our Commercial fishing vessel</p>	

*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.

I inquired with the city of Yellowknife speaking with JOHANNA ELLIOT to see what options may come available for an alternate boat launch and failing that if there would be any compensation for those who use the launch for commercial purposes. She mentioned she would inquire and reply. To date I have not heard from her again. I have also emailed NATALIE PLATO and cc'd CANDACE DE COSTE at the Giant Mine Project Team regarding the same questions. To date I have not received a reply.

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.

In my communications with people I would conclude that between the MVLWB, the city of Yellowknife and the Giant Mine Project Team. No clear game plan has been established as of yet for the use of an alternate boat launch. Failing that a clear decision on if there will be compensation, who will qualify for it, and who will be responsible to pay it. I'm sure these things will become clearer going forward

*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, I have only inquired if there will be compensation

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).

YEARLY

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.

I HAVE EMAILED THE GIANT MINE PROJECT TEAM AND TO DATE HAVE NOT RECEIVED A REPLY

*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.

PROJECTIONS:

	2009	2020	2021
Sales			
Retail Sales			
Weight Processed (fillets) - Farmer's Market + Local Sales	3,000	5,000	5,000
Average Sales Rate/pd (in \$)	\$9.00	\$9.00	\$9.00
Revenue	\$27,000	\$45,000	\$45,000
Wholesale Sales			
Weight (Whole Fish) - Due North Facility	10,000	15,000	20,000
Average Sales Rate/pd (in \$)	\$1.25	\$1.25	\$1.25
Revenue	\$12,500	\$18,750	\$25,000
Weight (Whole Fish) - Hay River Plant Local P/U Station		25,000	40,000
Average Sales Rate/pd (in \$)		\$0.94	\$0.94
Revenue	\$0	\$23,500	\$37,600
Total Revenue	\$39,500	\$87,250	\$107,600
Cost of Sales			
Loans (Vessel Loan based on Potential Contribution)	\$4,000	\$9,000	\$9,000
Operation expenses (Fuel, Insurance, Maintenance)	\$3,500	\$3,500	\$3,500
Total expenses	\$7,500	\$12,500	\$12,500
Gross Profit	\$32,000	\$74,750	\$95,100

Conclusion

The Yellowknife area fishing industry is poised to greatly increase in the near to midterm. There are many initiatives ongoing that have increased the visibility of the market and sales demand will inevitably follow.