



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 - MV2019X0007
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2 Information about the Claimant

Claimant's Name:	Katie O'Beirne		
Community:	PO Box 2743, Yellowknife, NT, X1A 2R1		
Prov/Terr:	NWT	Email:	kmr.obeirne@gmail.com

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

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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 our membership in the club of five years. I have a 27 ft trimaran sailing vessel that is stored on a trailer at the property from September to June each year. The trailer is parked at the property year-round.

I spend approximately 20 hours each May at the property doing maintenance and preparation work on the sailboat (i.e. regular engine servicing, sail and rigging maintenance etc.) and launching into the waters in question. Every September I bring the boat to land and spend about 15 hours doing seasonal close out of the sailing activities. I travel the waters to get to my mooring location close to the City dock.

*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. *Annual	\$ 2,500.00*
Transportation of boat and trailer to alternate storage and back by Weatherby. \$300 per trip - total \$600.	\$600.00
Transportation of boat and trailer to and from dock for launching and removing from water. \$300 per trip - total \$600. *Annual	\$600.00*
Trailer upgrade to haul boat legally on highway.	\$2,000.00
Unstepping and stepping of mast by picker truck. *Annual (This cost could be reduced by sharing fees with other club members who require the same service).	\$1600.00*
Total	\$7,300

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 trailer to BC (wide load)	<u>\$12,000</u>
Up to 3 pilot cars to escort wide load (at 130/hour each)	<u>\$15,000</u>
(Weatherby 2019 estimate)	
Total	\$27,000
or	
Value of 27ft Trimaran – 2015 purchase price	\$8,000
Estimated cost of disposal, including transportation and tipping fees	\$1,000
Total	\$9,000

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

⁵ Ibid.

*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?

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.

[Large empty grey box for describing mitigation steps]

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.

[Large empty grey box for describing additional mitigation steps]

*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.

Thank you for considering my claim.



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