



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
--	---

2. Information about the Claimant

Claimant's Name:	Kevin and Karen McLeod		
Community:	Yellowknife		
Prov/Terr:	NT	Email:	kandkmcleod@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	Yes
(b)(iii)	In-stream users	Yes
(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):

As previously submitted, Karen and I are members of the Sailing Club and use the area for sailing our 26' sailboat for 4 months of the year and 8 months of the year for safe storage, repairs, and annual maintenance. We also use the area to safely lift in and out of the water. We have placed a wet mooring and anchor lines in the area for which to safely anchor the boat during the 4 months of sailing. We store a cradle capable of holding our vessel while on the land in the area for 12 months of the year. The cradle is also used for insertion and extraction of the vessel into and out of the water each year and as a base for safe repairs and maintenance.

*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?
There would be four key areas of immediate loss if Sailing Club loses access to the area. The areas are: cradle repairs/renovations; extraction/insertion costs; storage fees and wet mooring costs. Detailed breakdown of anticipated costs are as described below:	
1. Cradle Repairs and Renovations. This work would entail work to get the cradle to highway standards to allow the vessel to safely move from safe boat launch area to the storage area. It is anticipated this cost would be a one time cost of \$3000.	\$3000 cradle repairs
2. Extraction/Insertion Costs. This would be a cost of about \$200 per event or \$400 per season covering the cost of transporting the vessel from the storage area to a location on the lake. The actual cost of lift in and lift out would remain largely the same as now.	\$800 in/out costs
3. Storage. A new storage facility would have to be procured (likely in the Kam Lake Area) that could provide safe and secure storage plus year round access for repairs and maintenance. The cost differential would be estimated at approximately \$800 per year depending on the location and services provided.	\$1600 secure storage costs
4. Mooring. The current mooring system would have to be moved or removed/inserted each year. This additional cost would be approximately \$400 per season to rent/purchase the necessary equipment.	\$800 move of the wet mooring
From the current plan it seems that Sailing Club would not have access to the area for 2 seasons. Using the 2 season loss as the timeline, my direct cost for the immediate impacts would be- \$5600.	
Total costs immediate possible losses	\$5600

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

Potential Losses or Damages³

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

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>Future losses would be the total loss of the Community to support sailing on the Lake. This would mean the support and logistics for sailing vessels would be lost and sail boats would have to be moved to other parts of Canada to be sold. This would entail either I move the vessel or hire a trucking company to move the vessel. Depending on the market the vessel would either have to be moved to the West Coast or to Ontario where there is a sufficient market to sell the vessel. The cost of moving the vessel would be approximately \$7000. The replacement cost of the vessel is approximately \$9,500. If the vessel became unsellable in Yellowknife due to the lack of facilities to support large vessel sailing we would be facing a financial loss of \$9,500.</p>	Cost to move \$7000
	Total Loss of the Vessel \$9,500

*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 loss of the safe storage and secure launch and extraction areas. Loss of safe area to conduct repairs and annual maintenance.

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

From the current plans available for review, it seems the area may be under construction for at least 2 years thus impacting the club members for at least 2 seasons. There is a possibility the construction may be delayed and extend to other seasons.

What are the incremental, gradual or accumulative effects of the proposed licensed activities?

From a review of the plans, we can discern access to the area will be totally denied while the construction is undertaken. Once complete we are assuming the work will be accomplished to the standard expected and only periodic monitoring will be undertaken but access will be available to the Sailing Club or others as approved.

*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.

As noted previously, the area is used for: safe storage; repairs/maintenance; lift in and outs; and mooring. The Club also uses the area to train young sailors and teach safety. If access was not permitted the Club would have to find other areas that will provide suitable access to the water.

*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?
I do not think noise will be an issue.	

*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.

Once the plan is finalized every effort will be made to reduce costs and impacts. The market prices for storage will naturally increase once news is out that over 40 boats will require movement and safe storage but this is a natural reaction by the market. Prices for boats in the area will reduce due to the fact boat owners will be looking to sell off their assets or move to other forms of recreation. The Giant Mine Remediation Team must communicate their plans well in advance to increase reaction and planning timeframes for folks affected.

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 Licence Applicant must be open and transparent with their plans and do all they can to mitigate impacts. Phasing the works, providing safe secure options is always available if they think about their plans and options for their work. As with all civil engineering projects - schedules are always at risk and the likelihood of the work being delayed is extremely high and the impact may be the loss of another season.

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 other compensation source is being sought.

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 compensation would be the preference.

Would you prefer to receive compensation in another form? If so, please explain.

We would be open to discussing the matter if the Applicant had options in mind.

*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 met with the Parsons Engineering staff a number of times to determine their plans and to try and make the point they have an excellent opportunity to make the area better. I have suggested they set up a steering group that could be used for input on viable options to improve the waterfront and construct a breakwater and proper marina facility. Every city in the world with access to waterfront has made it a priority to improve and enhance their waterfront properties and make them a tourist and local area of interest.

The Club has also meet with representatives of the Project in an attempt to understand the plans and try to influence the plans. I assume the City is equally engaged and involved with the Project Team and meets on a regular basis.

The Club and various parties has met with the City of Yellowknife to determine the future and to lesson the impacts of the Project.

The discussions regarding compensation have not been conducted in earnest as the overall plan has not yet been finalized and the process for compensation is at the moment through the MV process of which this form is a major part of.

*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 have been part of the sailing world for 15 years are seeking compensation for the impacts. We have assessed the overall impacts given the knowledge of the plan as is available at this time. We feel the costs are based on common sense and are market correct.

We feel this is a great opportunity for the Project and the City along with the sailing/boating community to work together and provide a role model for other projects around the world.

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