**Claim Form for Water Compensation – Gwich’in or Sahtú** **First Nations**

Gwich’in or Sahtú First Nations that submitted a Notice of Intent to File a Claim for Water Compensation for effects on Gwich’in or Sahtú First Nations lands, respectively,[[1]](#footnote-2) will also need to fill out this Claim Form and submit it to the Land and Water Board (LWB or Board) by the deadline set by the Board (the Claim Deadline). This Form requires more detailed information about a compensation claim, so that the Board can start to gather the evidence it needs to make a decision on the claim if the claimant and the water licence applicant can’t agree. Claimants are strongly encouraged to fill out this Form with help from legal counsel if available.

The Board expects both claimants and the water licence applicant to sincerely try to negotiate a compensation agreement before applying to the Board for a compensation determination. They should also keep trying to negotiate during the proceeding. A claimant must provide evidence of the attempts made to reach a compensation agreement with the water licence applicant; however, the details of these negotiations do not need to be submitted to the Board.

**Please note the following when filling out this Form:**

* All submissions in water licensing proceedings, including this completed Form, will be posted on the Board’s Public Registry.
	+ If the information needed to support a claim is personal, proprietary, or in some way sensitive in nature, and should not be posted on the Public Registry, the claimant can ask the Board to treat the information as confidential. The claimant must do this by submitting a request for ruling before or at the same time as the confidential information.[[2]](#footnote-3)
* Claims for compensation must be about the effects of the proposed licence activities and cannot include claims for past losses or damages.[[3]](#footnote-4)
* Claimants must provide detailed information and evidence to support each part of their claim.
	+ Please fill in the gray boxes in the sections below but feel free to attach additional pages, supporting information, and references to this Form as needed.

# Information about the Application or File

|  |  |
| --- | --- |
| Please identify the Water Licence Application or file number(s) associated with this Claim: |  |

# Information about the Claimant

|  |  |
| --- | --- |
| Claimant’s name (individual orgroup/association): |  |
| Group or association legal entity: |  |
| Community and Province/Territory: |  |
| Email: |  | Tel.: |  |

# Information about Eligibility

This Form is only intended for compensation claims made by either the Gwich’in or Sahtú First Nations for effects on their lands. Other Forms are available for other types of compensation claims.

|  |  |
| --- | --- |
| Sahtú First Nation (Sahtú Secretariat Inc.) |  |
| Gwich’in First Nation (Gwich’in Tribal Council) |  |

|  |  |
| --- | --- |
| If you are also making a claim under another category on a separate Claim Form, please indicate this here and contact Board staff for more information about submitting multiple claims.  |  |

Please explain the nature of your use of the waters that the proposed Licence activities could potentially affect. Include information about the duration, location(s), and extent of your use of those waters.

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# Information Regarding Losses and Damages for Claims Related to Effects on Gwich’in or Sahtú First Nation Lands

To make a decision on a compensation claim related to effects on Gwich’in or Sahtú First Nation lands, the Board will consider the effects described in the following tables.[[4]](#footnote-5) Please provide information about any of these factors that apply to your compensation Claim, expanding rows or adding additional rows to the tables as needed. For each applicable factor, state the amount of money or other type of compensation that would be needed to be in the position you would be in without the damages caused by the proposed Licence activities.

## Effects of the alteration of the quality, quantity, or flow of waters

|  |  |
| --- | --- |
| Describe how the proposed Licence activities will affect the First Nation’s use of waters that are on, flowing through, or adjacent to the First Nation’s lands.  | What is the monetary value (or other type of compensation)? |
|  |  |
|  |  |

\* Attach any supporting documentation for the claims above to this Form.

## Effects on lands, including cultural or special value

|  |  |
| --- | --- |
| Describe how the proposed Licence activities will affect First Nation lands, including any cultural or special value of those lands. | What is the monetary value (or other type of compensation)? |
|  |  |
|  |  |

\* Attach any supporting documentation for the claims above to this Form.

## Nuisance, Inconvenience, or Noise

|  |  |
| --- | --- |
| Describe the nuisance or inconvenience, including noise, that the proposed Licence activities will cause to the First Nation. | What is the monetary value (or other type of compensation)? |
|  |  |
|  |  |

\* Attach any supporting documentation for the claims above to this Form

## Effects on wildlife harvesting

|  |  |
| --- | --- |
| Describe how the proposed Licence activities will affect wildlife harvesting by the First Nation.  | What is the monetary value (or other type of compensation)? |
|  |  |
|  |  |

\* Attach any supporting documentation for the claims above to this Form.

## Any other factor

|  |  |
| --- | --- |
| Describe any other effect that the Board should consider when making its decision.  | What is the monetary value (or other type of compensation)? |
|  |  |
|  |  |

# Additional Information

## Mitigation

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| --- |
| Please describe any steps you have taken to avoid or mitigate the effects described above. |
|  |
| In your opinion, is there more that you or the Licence Applicant could do to avoid or mitigate the effects described above? If so, please describe the mitigation steps. |
|  |
| If your claim is related to a licence renewal application, please review the existing licence conditions and explain whether these conditions will or will not prevent or mitigate any or all of the damages and/or losses described in your claim.  |
|  |

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

## Compensation

|  |
| --- |
| Have you applied for or are you collecting compensation from any other source for the damages and costs you have claimed above? If so, please describe in detail, including payment amounts. |
|  |
| If the Board awards monetary compensation, do you have a preference for payment? (i.e. lump sum, periodic payment, other). |
|  |
| Would you prefer to receive compensation in another form? If so, please explain. |
|  |

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

## Engagement

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| --- |
| Have you engaged with the Licence Applicant to try to resolve the compensation issues identified above? If so, please provide evidence of when and how (e.g., in person, by phone, etc.) those discussions took place, and explain why an agreement could not be reached. Indicate whether any offers of compensation have been made and refused and if so, why. It is not necessary to provide the details of the negotiations or any offers made.  |
|  |

\* Attach any supporting documentation for the above (i.e., communication records, etc.) to this Form.

## Any Other Information

|  |
| --- |
| Is there any other information that could help the Board make a decision on your Claim? If so, please provide it. |
|  |

\* Attach any supporting documentation for the above to this Form.

1. See section 33 of the [*Waters Act*](http://www.justice.gov.nt.ca/en/files/legislation/waters/waters.a.pdf)or subsection 79(1) of the [MVRMA](http://laws-lois.justice.gc.ca/PDF/M-0.2.pdf). [↑](#footnote-ref-2)
2. See the LWBs’ [*Rules of Procedure*](https://mvlwb.com/media/743/download?inline=). [↑](#footnote-ref-3)
3. Such claims can be advanced but only through the Courts. See *Carter v. Northwest Territories Power Corp*., 2014 NWTSC 19. [↑](#footnote-ref-4)
4. See subsection 79(2) of the [MVRMA](http://laws-lois.justice.gc.ca/PDF/M-0.2.pdf). [↑](#footnote-ref-5)