Water Management Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9340 Stn Prov Govt
Victoria, BC V8W 9M1

Attention: Mr. Glen Davidson, Director & Comptroller of Water Rights

Dear Mr. Davidson:

Thank you for meeting with Mayor and Council members on 2015-JUN-04 regarding the order issued for the Middle and Lower Chase River Dam and thank you as well for informing us after our discussion that you do have the power to amend the order if you so choose.

As we discussed in the meeting, one of the largest barriers we have identified as a result of the order issued is that we have not had a reasonable amount of time to complete further studies in order to complete the due diligence that we require before making a decision upon a remediation solution.

This is compounded by the fact that the current solutions that we are offered to choose from, do not meet the best interests of the City and its community. Given a reasonable amount of time, we are confident in being able to support a compliant solution that meets the best interests of the City and Dam Safety Section (DSS) regulations.

Through internal discussions following the meeting we have developed a framework based on information provided at the meeting which further addresses current risk concerns, and we present them below for your consideration. We would be glad to work with you on them over the phone or in another meeting to expedite the process and reach a suitable compromise.

We want to reiterate that we are committed to ensuring that both dams become fully compliant, and only need a reasonable amount of time to gather this new information and data to complete proper due diligence before selecting a remediation option. It is with this in mind that we propose the following.

The City of Nanaimo proposes an alternate solution; to complete remediation work on the middle dam in 2015, with a remediation solution for the lower dam to be selected by the end of year 2016 in order to have a reasonable amount of time to complete due diligence with accurate information and data, and commit to an appropriate solution for the lower dam that meets DSS regulations and the needs of our City. The City of Nanaimo commits to ensuring that both dams are in compliance by the end of 2017.

We respectfully request that you allow us to proceed as proposed by amending the order to permit the amount of time that the City of Nanaimo has determined necessary to complete proper due diligence and select a suitable remediation solution.
As outlined below the following steps are proposed:

1. GSI will be retained to finalize an overtopping design for the middle dam that meets the small dam regulatory requirements, and complete the designed remediation work for the middle dam by 2015-NOV-01.

2. A Flood Routing Capacity Plan will be developed and fully implemented by a date to be determined in cooperation with the DSS in order to prevent the risk of overtopping the lower dam in the event of a significant flood.

3. The current Emergency Notification and Response Plan will be reviewed and updated if found necessary to better meet current conditions.

4. Ongoing monitoring of the dams, annual inspections, and maintenance and repairs as required will occur to ensure that degradation has not and does not occur.

5. Appoint a select committee to establish the studies required in order to complete due diligence on the lower dam, e.g., watershed capacity, physical hydrology measurements and further site investigations.

6. Required studies established by the select committee will be completed in a reasonable and timely manner, ending with 2016 to ensure that any remediation measures determined to be necessary are finalized and that suitable remediation options are ready for deliberation.

7. A solution will be chosen from the remediation options identified. All design work, tendering, and contractor selection will be completed by no later than the end of the first quarter of 2017.

8. All work of the chosen remediation solution will be completed by the end of 2017.

Attached is a diagram which correlates the steps with the alternately proposed timeline in the form of milestones.

We sincerely hope that this represents a solution that will meet with needs of the DSS, the Province, and the City of Nanaimo.

Please do not hesitate to call us at your convenience to discuss further. We hope that our proposal is well received and look forward to hearing back, thank you for your consideration.

Sincerely,

Mayor and Council
City of Nanaimo

Attachment:

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2015 Q3 - 2016 Q1
- Middle dam remediation work initiated and completed
- Select committee appointed
- Develop/implement FRC plan
- Review/update ENR plan
- Definition/beginning of further studies

2016 Q2 - Q4
- Completion of defined studies
- Risk reassessment
- Investigate remediation options
- Select lower dam remediation plan

2016 Q4 - 2017 Q1
- Remediation design work complete
- DSS remediation plan approval
- Requests for tender
- Selection of contractors
- Scheduling and permits

2017 Q2 - Q4
- Lower dam remediation work initiated and completed
10. OTHER BUSINESS:

(a) Colliery Dams

It was moved and seconded that Council:

1. remains committed to working with the Comptroller of Water Rights, and extends appreciation for the meeting on June 4, 2015;

2. has identified that one of the largest barriers since issuance of the order is that there has not been a reasonable amount of time to complete the due diligence required before making a decision upon a remediation solution;

3. has determined that the two current Dam Safety Section solutions do not meet the best interests of the City of Nanaimo and its community, and time is needed in order to complete due diligence and base decisions on accurate information and data;

4. respectfully requests that the Comptroller of Water Rights amend the order in order to provide the amount of time that the City of Nanaimo has determined necessary to complete proper due diligence and select a suitable remediation solution that meets the best interests of the City of Nanaimo and comply with Dam Safety Section regulations;

5. commits to ensuring that both dams are in compliance with Dam Safety Section regulations by the end of 2017, by proposing an alternate solution which will see remediation work completed on the middle dam in 2015, and a remediation solution selected for the lower dam by the end 2016, outlined as follows:

   a. GSI will be retained to finalize an overtopping design for the middle dam that meets the small dam regulatory requirements, and complete the designed remediation work for the middle dam by 2015-NOV-01;

   b. A Flood Routing Capacity Plan will be developed and fully implemented by a date to be determined in cooperation with the Dam Safety Section in order to prevent the risk of overtopping the lower dam in the event of a significant flood;
c. The current Emergency Notification and Response Plan will be reviewed and updated if found necessary to better meet current conditions;

d. Ongoing monitoring of the dams, annual inspections, and maintenance and repairs as required will occur to ensure that degradation has not and does not occur;

e. Creation of a select committee to establish the studies required in order to complete due diligence on the lower dam, e.g., watershed capacity, physical hydrology measurements and further site investigations;

f. Required studies established by the select committee will be completed in a reasonable and timely manner, ending in 2016 to ensure that any remediation measures determined to be necessary are finalized and that suitable remediation options are ready for deliberation;

g. A solution will be chosen from the remediation options identified. All design work, tendering, and contractor selection will be completed by no later than the end of the first quarter of 2017; and,

h. All work of the chosen remediation solution will be completed by the end of 2017; and,

6. forward a letter to Mr. Glen Davidson, Director and Comptroller of Water Rights at the Ministry of Forests, Lands and Natural Resource Operations, relaying this resolution be sent under the Mayor’s signature.

The motion carried.

Opposed: Mayor McKay, Councillors Pratt, Thorpe

CERTIFIED CORRECT:

D. Smith
DEPUTY CORPORATE OFFICER