



September 15, 2015

File: 76915-20/ D720002-00

Toby Seward
Acting General Manager
Community Development and Protective Services
455 Wallace St
Nanaimo BC V9R 5J6

Dear Mr. Seward:

Re: Lower Chase River Dam Auxiliary Spillway Project - Authorization

Please find the attached Approval, issued pursuant to Section 4 of the BC Dam Safety Regulation, *Water Act*, authorizing alteration of Lower Chase River Dam and associated works. This authorization is solely for the requirements of the Dam Safety Regulation and does not remove the legal requirement of authorization/approval of any other organization.

Nothing in the attached Approval operates to remove or alter the terms of my Order of April 29, 2015. The selected remediation option must be substantially complete by November 15, 2015.

A right of appeal to this Approval lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing, (2) include grounds for the appeal, (3) be directed by registered mail or personally delivered to the Chair, Environmental Appeal Board, 4th Floor, 747 Fort Street, PO Box 9425 Stn Prov Govt, Victoria, BC V8V 9V1, (4) be delivered within 30 days of receiving this Approval; and (5) be accompanied by a fee of \$25, payable to the Minister of Finance.



You are also reminded that Section 92(9) of the *Water Act* states: "An appeal does not act as a stay or suspend to operation of the Order being appealed unless the appeal board orders otherwise".

Yours truly,

A handwritten signature in black ink, appearing to read 'Glen Davidson', written in a cursive style.

Glen Davidson, P.Eng
Comptroller of Water Rights

Attachment

pc: E.C. (Ted) Swabey, City Manager, City of Nanaimo
Scott Morgan, Senior Dam Safety Officer, Water Management Branch, Victoria, FLNR
John Baldwin, Regional Dam Safety Officer, Regional Operations, Nanaimo, FLNR

APPROVAL

Section 4

British Columbia Dam Safety Regulation, Water Act

File No. 76915-20/D720002-00

Licence File No: 0355174

IN THE MATTER OF:

Conditional Water Licence 061423, held by the City of Nanaimo (the “City”), which authorizes the storage of 140 acre feet of water behind **Lower Chase River Dam** (“Lower Dam”) as part of the Colliery Dam system on Chase River for the purpose of Land Improvement.

WHEREAS:

Engineering studies determined Lower Dam’s flood routing capacity is undersized and unable to pass the inflow design flood.

The City, by way of a Water Licence Amendment/Abandonment application for Change of Works, dated August 4, 2015, has requested authorization under Conditional Water Licence 061423 to construct an auxiliary spillway at Lower Dam (the *Lower Chase River Dam Auxiliary Spillway Project* (“Auxiliary Spillway Project”)) to increase the dam’s flood routing capacity to an acceptable level. However, the Change of Works request is not required as authorization to construct an auxiliary spillway falls under section 4 – Alteration of a dam of the British Columbia Dam Safety Regulation, *Water Act* (the “Regulation”). Therefore the Change of Works request was passed to the Dam Safety Section, Victoria BC, for adjudication.

The City submitted the following documentation in support of their application:

- a) “Lower Dam – Development of Design Alternatives”, dated July 8, 2015, by Golder Associates (Golder); and
- b) “Auxiliary Spillway – Preliminary Design Report”, dated September 4, 2015, by Golder.

Golder’s report “Auxiliary Spillway - Preliminary Design Report” states “[t]he design presented in this report is of preliminary nature (not detailed design); as such designs and layouts presented in this report are preliminary and subject to change as the design is developed” and “detailed engineering and designs will be developed and presented in a separate upcoming design document”.

The Dam Safety Section reviewed Golder’s preliminary design reports and accepts, in principle, the concepts in the reports as a satisfactory method to safely pass the inflow design flood.

I THEREFORE AUTHORIZE THAT:


The licensee, the City, has Approval under Section 4 – Alternation of a dam of the Regulation, to proceed with the Auxiliary Spillway Project on Chase River as described in the submitted documents **subject to the following conditions:**

- 1) Prior to beginning construction on the Auxiliary Spillway Project, the licensee must obtain a written Leave to Commence Construction by submitting a final design report and construction plans to the Dam Safety Section, Victoria BC, for review and acceptance. Should the Auxiliary Spillway Project be constructed in phases, then, prior to beginning construction of each phase, the licensee must obtain a written Leave to Commence Construction for each phase by submitting a final design report and construction plans for each phase to the Dam Safety Section, Victoria BC, for review and acceptance;

General conditions

- 2) Prior to beginning construction the licensee must designate an Engineer of Record (EoR) for this project and notify the Dam Safety Section, Victoria BC, of the designate;
- 3) The licensee shall ensure that a professional engineer registered in the province of British Columbia supervises construction of the project;
- 4) Minor changes to the approved project plans may be made if signed off by the EoR for the project;
- 5) An interim Operation, Maintenance and Surveillance Manual and Emergency Preparedness Plan must be prepared prior to the operation of the auxiliary spillway;
- 6) The licensee may be ordered to retain an Independent Engineer or an Independent Environmental Monitor (if deemed to be necessary at any time during the project);
- 7) A final Operation, Maintenance and Surveillance Manual and Emergency Preparedness Plan must be prepared and submitted to the Dam Safety Officer, Victoria BC, for acceptance within one year of the completion of the Auxiliary Spillway Project; and
- 8) This Order terminates on December 31, 2015, and prior to the termination date, the licensee may apply to amend this Order to extend its term.

Dated at Victoria, British Columbia this 15th day of September, 2015.



Glen Davidson, P.Eng
Comptroller of Water Rights