



July 24, 2015

File: 76915-20/D720001-00 & D720002-00

Attention: Toby Seward
Director
Social & Protective Services
City of Nanaimo
455 Wallace St
Nanaimo BC V9R 5J6

Dear Mr. Seward:

Re: Middle Chase River Dam and Lower Chase River Dam – Acceptance of Plan

Thank you for your letter dated July 24, 2015, responding to the April 29, 2015 Order (the “Order”) and June 30, 2015 letter from Ms. Manhas, Barrister and Solicitor, Ministry of Justice.

Our office has reviewed your letter along with the two attachments: A) the July 20, 2015 City of Nanaimo Council motion, and B) the July 8, 2015 *Lower Dam - Development of Design Alternatives* report by Golder Associates (“Golder”). Our office has determined that these particular submissions meet the intent of paragraph 1(a) and 1(b) of the Order and Ms. Manhas’ subsequent letter.

However, with respect to paragraph 1(c) of the Order, we note that you have only supplied a preliminary design report and construction plans, while that paragraph requires preparing a design report and construction plans for the selected remediation option and submitting them to this office, for approval under sections 4 and 7.1 of the *BC Dam Safety Regulation*. Please note that a detailed design report and construction plans are required to comply with paragraph 1(c) of the Order. Your letter states that Golder is preparing a schedule for completion of the detailed design. We expect to receive this schedule as well as the detailed design report and construction plans as soon as possible.

Your letter advises that “the City is moving ahead expeditiously on multiple initiatives in an effort to substantially complete the Auxiliary Spillway by 2015-NOV-15, as noted in the order” and the current status of the work undertaken by the City of Nanaimo (“the City”) includes:

1. Commencing a detailed design of the auxiliary spillway to allow tender to be awarded no later than 2015-SEP-01; and
2. Working with Golder between now and September 1 to complete detailed design and permit applications to ensure necessary approvals are in place and a contractor has been secured to allow for construction to begin in September.

Your letter indicates the remediation work would take an estimated three to five months to complete from the time construction commences provided unforeseen delays are not encountered. Please be advised that we expect substantial completion of this remediation option by November 15, 2015.

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Ministry of Forests, Lands and
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At this time I would like to remind you of the remaining conditions of the Order, namely:

1. Immediately undertaking the necessary steps to increase the flood routing capacity of Lower Dam to 144.0 cms, as calculated by Golder, in order to meet an annual exceedance probability design flood event level that is 2/3 of the way between a 1 in 1000 year flood and the Probable Maximum Flood (PMF) in respect of Lower Dam (the “flood routing capacity”), by:
 - a) *Completed*
 - b) *Completed*
 - c) *Although preliminary design report and construction plans were submitted, as noted above, detailed design report and construction plans are required as soon as possible for compliance with paragraph 1(c) as follows:*
 - preparing a design report and construction plans for the selected remediation option and submitting them to this office, for approval under Sections 4 and 7.1 of the BC Dam Safety Regulation;
 - d) substantially completing the selected remediation option **by November 15, 2015**; and
2. The City must undertake the following actions in relation to Middle Dam:
 - a) Prepare and submit to this office **by the end of 2015**, a revised conceptual plan that identifies and prioritizes any actions required to correct the potential safety hazard with Middle Dam, along with a timeline for taking those actions within a reasonably expeditious time frame, timed to follow after completion of actions to correct the potential safety hazard with Lower Dam; and
 - b) Implement the revised plan for Middle Dam, based on the priorities identified in the plan, within a reasonably expeditious time frame but **no later than the end of 2017**, and in accordance with Section 4 and 7.1 of the B.C. Dam Safety Regulation, as applicable to any alteration, improvement or replacement to all or any part of the dam intended to correct a potential safety hazard and which must be implemented in a timely manner.

Although paragraphs 1(a) and 1(b) of the Order have been met, work is still required to meet paragraph 1(c), that is the submission of detailed design and construction plans, as described above. The Order remains in effect until all conditions are fully complied with.

As a final matter, we advise that any additional studies undertaken by the City should not prevent the City meeting the due dates specified in the April 29, 2015 Order. Please continue to advise our office of progress with respect to meeting these timelines. We also expect the City will put in place plans to deal with any other potentials delays.

Yours truly,



Glen Davidson, P.Eng.
Comptroller of Water Rights