



Snuneymuxw First Nation

668 Centre Street
Nanaimo, BC, V9R 4Z4

Telephone: (250) 740-2300
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March 18, 2015

Mayor Bill McKay
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

Dear Mayor McKay,

Re: Colliery Dams

Since 2013, SFN has worked closely with the City of Nanaimo in developing a solution for remediating the Middle and Lower Dams on the Chase River (also known as the Colliery Dams in Nanaimo). SFN acknowledges the funding received by SFN from the City of Nanaimo for this purpose.

In July 2014, SFN Council met to discuss the Colliery Dams file. At that meeting, SFN Council unanimously adopted a motion directing the Chief of SFN to deliver a letter to the City of Nanaimo outlining SFN's position on the Colliery Dams. A copy of SFN's letter to the City dated July 22, 2014, is attached.

The letter from SFN to the City states that SFN has three basic interests regarding the Colliery Dams: 1) public safety; 2) protection of the environment; and 3) protection of SFN's rights under the Douglas Treaty of 1854. The letter also states that as long these interests are met, the City of Nanaimo as the operator of the dams is ultimately responsible for complying with applicable dam safety standards and regulations. This position by SFN on the Colliery Dams has not changed.

The Colliery Dams have become a distraction from other pressing business for SFN. Unfortunately, some people are pursuing their own agendas or interests rather than focusing on the important issues of public safety, the environment and SFN rights under the Treaty of 1854. SFN will not be drawn into the politics. Rather, as SFN's July 22 letter to the City clearly states, SFN intends to follow a principled and reasonable approach to the Colliery Dams file – an approach that reflects SFN's actual concerns and interests, not petty politics.

Sincerely,

Chief John Wesley



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July 22, 2014

City of Nanaimo
455 Wallace Street
Nanaimo, B.C. V9R 5J6

Attention: Mayor John Ruttan

Dear Mayor Ruttan,

Re: Colliery Dams

In 2013, SFN entered into the Colliery Dams process to review and identify options for remediation of the Middle and Lower Colliery Dams on the Chase River. In participating in that process, SFN was motivated by three key concerns or interests:

- 1) public safety;
- 2) protection of the environment; and
- 3) avoiding or mitigating impacts to the right of SFN to carry on its fisheries as formerly enshrined in the Treaty of 1854.

Throughout the Colliery Dams process, SFN participated in good faith and, through its representatives on the Technical and Executive Committees, SFN worked diligently and collaboratively with the City, the Colliery Dams Preservation Society and the Dam Safety Section of the Ministry of Forests, Lands and Natural Resource Operations to develop an in depth understanding of the risks associated with the Middle and Lower Colliery Dams in their current state and options for remediation of the Colliery Dams. SFN acknowledges the invaluable technical assistance and advice of Golder & Associates and the efforts of Katherine Gordon as a facilitator in this process.

On the whole, SFN is satisfied with Colliery Dams process. Even though a consensus was not achieved through the Technical Committee on an option for remediation of the Lower Colliery Dam, SFN is of the view that the labyrinth model identified by the Technical Committee addresses SFN's key interests. This was communicated very clearly by SFN's representatives on

the Technical and Executive Committees. Likewise, at a recent briefing of SFN Council regarding the Colliery Dams file, members of Council also indicated their support for the labyrinth model.

Unfortunately, since the Colliery Dams Preservation Society withdrew from the Colliery Dams process, this matter has become highly politicized. SFN does not intend to become drawn into the politics. Rather, SFN acknowledges that as the owner of the Colliery Dams, the City is ultimately responsible to comply with applicable dam safety standards and regulations and, as long as SFN key interests are met, SFN has no desire to impede the City in fulfilling its responsibilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Wesley".

Chief John Wesley