



June 24, 2015

APPEAL FILE: 2015-WAT-004

Young Anderson
#1616 - 808 Nelson Street
Box 12147 Nelson Square
Vancouver BC V6Z 2H2

VIA EMAIL

Attention: Reece Harding

Dear Mr. Harding:

**Re: *Water Act* Appeal - City of Nanaimo v. April 29, 2015 Order of the
Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery
Dams**

As you know, the Mayor of the City of Nanaimo sent correspondence to the Comptroller of Water Rights advising of a motion passed earlier this week by the City Council in respect of the Colliery Dams (the "Motion"). The Motion proposes an alternative course of action to that required in the Comptroller's Amended Order of April 29, 2015 (the "Order"). As the City's stay application in respect of the Order is currently before the Environmental Appeal Board, I have been instructed to respond on behalf of the Comptroller.

The Comptroller remains committed to the terms of the Order, in particular the actions required of the City to address the potential safety hazards associated with Lower Dam and the timelines stipulated therein. The alternative plan as proposed by the Motion to delay the selection of a remediation approach and the actual remediation work for Lower Dam does not meet the scope or intention of the Order.

While the Motion does not present a proposal that is acceptable as an alternative to the Order, the Comptroller is nevertheless pleased that the City is pursuing a remediation approach for Middle Dam. To be clear, there is nothing preventing the City from submitting a plan for Middle Dam in accordance with paragraph 2(a) of the Order sooner than the deadline, which is the end of 2015. However, the priority in terms of addressing the potential safety hazards is to select, submit and proceed with a

Ministry of
Justice

Legal Services Branch
Civil Litigation

Mailing Address:
PO BOX 9280 STN PROV GOVT
Victoria BC V8W 9J7

Location:
1001 Douglas Street
Victoria BC

Telephone: 250 387-3704
Facsimile: 250 953-4348

remediation plan for Lower Dam in accordance with paragraph 1 of the Order (recognizing the Comptroller agreed to an interim stay pending the decision of the Board on the stay application).

The Comptroller remains open to having without prejudice discussions with legal counsel present.

Sincerely,

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

Pamela Manhas
Barrister & Solicitor

PM/ss