

CONFIDENTIAL MINUTES
COLLIERY DAMS TECHNICAL COMMITTEE
FRIDAY, 2014-JAN-09 AT 10:00 A.M.
BOARD ROOM, SERVICE & RESOURCE CENTRE, 411 DUNSMUIR STREET

PRESENT:

Colliery Dam Park Preservation Society:

Jeff Solomon

Lorne Gale

Leon Cake

City of Nanaimo:

Toby Seward, Director, Social & Protective Services

Dale Lindsay, Director of Development

Holly Pirozzini, Recording Secretary

Katherine Gordon, Facilitator

Guests:

Roblyn Hunter, Colliery Dam Park Preservation Society

REGRETS:

Chris Good, Snuneymuxw First Nation

1. Call to Order

The meeting was called to order at 10:05 a.m.

The facilitator advised that Chris Good is unable to attend today's meeting, but that he has no concerns with Roblyn Hunter being present today, as requested by the Colliery Dam Park Preservation Society (CDPPS), given the topic of discussion is communications and she is responsible for the information on the CDPPS website. Toby Seward advised that Dale Lindsay, Director of Development, is attending today's meeting as he will be attending future Technical Committee meetings, in Toby's absence.

2. Review / Approve Agenda

Agenda approved, with additional items (sirens, DSR report, information about onsite investigative work, attendance at next meeting).

3. Review / Approve Minutes (Dec. 13) and Status Update (Dec. 30)

The City of Nanaimo (CoN) provided updated population numbers for the inundation area. The previous figures were based on census data. These figures are more accurate.

CDPPS stated that the population numbers received from CoN are more accurate now at 626 than originally stated, but they still believe this total is incorrect.

Question: Where did CoN get their number? CoN responded that the 626 total was a door-to-door survey conducted by staff.

CDPPS advised that they have gone door-to-door and street by street and have come up with 558 residences in the inundation area. This is believed to be significant in that the inundation study was based on figures that are different to the latest ones provided. The exact number is not needed, but CDPPS would like the public to know that the published consequence results are based on out-of-date or incorrect information. The greatest consequence is based on an earthquake occurring at night with 1900 people in the inundation area. We now know there are fewer people than that. When there is discussion on classification, consequence, concern, and risk, the total population number is important. It is necessary to build on this and look at this in a more realistic manner because the risk is based on the number of people affected. This could also have an effect on the review cycle, which is currently every 7 years.

CoN stated that the discrepancy is within 60 of each other (558 vs 626) and it may not be possible to get a more accurate figure.

Facilitator – Noted that Golder Associates (GA) has advised that it will look at the risks associated with the figures and location, as well as other factors, which will drive the design for the required safety standards and may not change the Dam Safety Section (DSS) classification or minimum safety standards. Does GA need to be asked if the number of people in the inundation area affects their risk assessment and design?

Questions: Should the Technical Committee be pursuing a reduction in the dam classification? Do we deal with the context of the design differently, based on the classification staying the same? If the risk is lower, is the design done differently, but to the same standards? If the classification changes, what is the impact?

Agreed: the Facilitator will ask GA the following questions:

- **Will the number of people in the inundation area affect their risk assessment and design?**
- **Will GA's design be affected by the population information if the dam classification doesn't change?**
- **Based on the fact this is new information, should the Technical Committee be asking Golder to focus effort in its risk assessment on trying to reduce the "extreme" dam classification and would that change the design, based on the DSS classification – or is it a better use of resources to focus on what design is required to the current standards?**

The minutes provided at the meeting were approved.

Question: Can DSS be given a full copy of the minutes? Committee agreed that DSS can be provided with minutes subject to maintaining their confidentiality. Facilitator will send approved minutes to DSS staff.

4. Review / Approve draft Public Summary

Facilitator – Advised that she was recently contacted by the media asking why the Technical Committee meetings aren't open to the public. She advised the media that this

is a working committee and the meetings are confidential, but that information respecting the Committee's progress will be provided shortly. She distributed copies of a draft *Status Update* document and requested the Committee's input, prior to it being distributed to the public.

CDPPS expressed concern that the public should receive more communication during the Technical Committee process otherwise this will not be perceived as a legitimate, transparent process. It was suggested for discussion at the next meeting that once more specific options have been narrowed down an information open house may be an option – this will be put on the agenda for the 22nd.

Facilitator – Committee can always consider providing more information to the public in future if that is felt appropriate at the time. Will have to be a committee decision and there may still be concerns about sharing sensitive information or candid views in public. Noted Snuneymuxw don't have a representative present and their views on this must be sought in due course. The current agreement is that only jointly-approved public summaries will be provided after meetings.

Questions: How will the recommendation process work? Will CoN be supportive of an agreed-upon recommendation to the Executive Committee? CoN responded "yes"; we hope to provide a recommendation from the Technical Committee that we all support.

Facilitator – Recommendations may take a variety of forms. Ideally there will be consensus on one option but it may be that the committee will make several recommendations on other work that has to take place before a final option can be selected and if there are different views on the best option, those should be expressed in the report to the Executive Committee. Also recommends an in-person briefing of the EC by the committee to point out specific issues and answer questions. This is another issue to be discussed on January 22.

It was noted that SFN need to be included in any joint decisions of the Committee.

Regarding public confidence, CoN noted that the prior process was problematic; this is why we are going about it in a different way now. Agrees that the public needs to understand what is going on at some point.

CDPPS stated that the difference this time is that regardless of the options proposed, we believe this to be a credible process and we will live with GA's findings. We believe the public should be involved. It's about inclusion.

Facilitator – GA is attending the January 21 meeting to provide a risk assessment model and options. At the January 22 meeting, the Committee can reflect on what was heard from GA the day before and then discuss next steps.

Question: Will DSS be attending the January 21 and 22 meetings? Facilitator responded "yes" a number of representatives will attend the January 21 meeting.

Question: Should Council be invited to attend Technical Committee meetings? CoN responded that this is not part of the Committee's mandate and it will be difficult for a Council Member to sit in on one meeting and be expected to understand what has been going on in the past, leading up to where the Committee is currently. Council has faith in

this process and wants to receive solutions and justification for the Technical Committee's recommendations.

It was suggested that that the City Manager be invited to attend the January 21 meeting.

Some suggested changes to the *Status Update* as follows:

Composition of Technical Committee:

Move the sentence, "Facilitator Katherine Gordon will act as the contact person in relation to any questions about these updates or the work of the Committee" after the sentence, "Committee facilitator Katherine Gordon was appointed on November 26."

Add that the City has two representatives (Dale Lindsay as well as Toby Seward).

Decision-making process:

Add, "The parties involved at the table agree that this is a fair, credible process to follow."

Meetings of Technical Committee:

Delete, "The Committee has agreed to maintain confidentiality of their discussions at their meetings."

Objective of Technical Committee:

Amend bullet so it reads, "Having a timely permanent solution in place in 2014 if possible, but no later than 2015, with shorter term mitigation in place if required in 2014."

Facilitator – The *Status Update* will be revised and distributed to Mayor & Council, Senior Management, and Technical Committee Members, and sent out to the media, as well as posted on the City website.

Agreed: The Technical Committee members' names will remain in the Status Update document, if SFN is also in agreement to this [note – subsequent mutual decision to remove all names].

CDPPS noted that this process is precedent setting in terms of overall risk for other situations (buildings, etc.) for the City and suggested that GA's risk assessment information could be used/shared in other applications.

5. Communications within Group

Facilitator - SFN is not present at today's meeting, but has confidence that there is a very collaborative relationship regarding this issue and will keep SFN informed.

Question: When GA's recommendations are received, will we need other information?
Facilitator responded that the Technical Committee needs to be fully informed and must identify all issues in this process. Other regulating groups (Department of Fisheries and Oceans, Provincial Archaeological Branch, etc.) may need to be invited to attend a future meeting.

CoN Toby Seward, advised that he will be away for the month of February.

CDPPS expressed concern that Toby will be away for that length of time. CoN responded that he will be available by cell phone and email and that Dale Lindsay will be the staff person replacing him in his absence.

6. External Communications Strategy

- Dissemination of public summaries of work of Committee (how/when)

CDPPS reiterated that the public needs to be informed about whatever work is being done.

Facilitator – Will summarize information from GA respecting additional site investigation work, to include in the next *Status Update*. The committee will review and approve the draft.

CoN advised that there may be disruptions in the park when the work is being done and will draft a media advisory notifying the public about the limitation to access to the Park when the work is being done. As previously noted, the Facilitator will revise the *Status Update* and distribute it as soon as possible.

Agreed: Facilitator will amend the *Status Update* to add the technical information from GA and that work is being undertaken, which may limit public access to the Park. CoN will prepare a Press Release from the Committee and that Katherine Gordon will be the contact person.

- Status of dams (general messaging, relationship to direction of committee work, preparing for Feb. 28 recommendations)
- CDPPS fact sheet

CDPPS provided an *Information Points* fact sheet and expressed concern about dissemination of information to the public. CDPPS stated that the Technical Committee is working well, but communication is not. CoN public information conflicts with what the Committee is doing. A political endorsement of the Technical Committee's process is needed.

CoN will seek that political endorsement for the fact that the Technical Committee is productively working through the process towards viable, cost-effective remediation options.

Question: Has Council received any more information about the Technical Committee's work to date? CoN will provide information to the City Manager, which will be passed onto the Mayor & Council.

CDPPS stated that this is a legitimate process, but that we don't know the remediation costs yet. It is important to get the message out there that due diligence is being done and that there is no imminent risk here.

CoN disagreed with that statement. It is impossible for CoN to say there is no risk.

Discussion occurred respecting the probability of a major event occurring, but it is unknown when or if it may happen.

CDPPS stated that it is unfair to put unnecessary fear into people.

CoN stated that there is an obligation to provide information about the risks because of the DSS classification of the dams and Council's direction to follow through on the identified risks.

CDPP stated that the risk analysis will put everything in perspective and we need to really understand this.

Facilitator – agreed and said the different viewpoints may not be resolved until more information is available. Working towards an acceptable solution as soon as possible will help everyone move past this in due course.

- Flood zone evacuation signage **and add sirens**

Question: Are there concerns about where the signs are located? CDPPS stated that its preference is that no more signs be erected and asked how many are currently up? CoN advised that there are currently 70 signs up (50 were originally planned), but after an evaluation, 20 more signs were necessary at escape routes, outside of the core area due to the City's responsibility and liability.

CDPPS expressed concern that too many signs have been erected. CoN noted that many of the signs are required to clearly indicate evacuation routes.

Question: Should the scope of GA's work highlight whether there is a benefit to reduce the classification? Can GA recommend that the classification be reduced? Facilitator - will add this question to the January 21 agenda, as well as whether the engineer will be able to make such a recommendation and provide a rationale.

CoN advised that a press release will go out as soon as possible respecting the three-minute siren test which will occur on Wednesday, January 15 at 10:30 a.m. This sounding of the siren is a test only and no action is required by those located in the inundation area.

CoN advised that a Dam Safety Review (DSR) was to be completed by MWH Engineering in December, 2013; however, an extension was granted by DSS to the end of January, 2014. A technical assessment will be provided to DSS.

- Updating Executive Committee

As noted previously, the City Manager will be invited to attend the January 21 meeting.

- Other communications issues, if any

Question: Can CDPPS release its *Information Points* document to the public? CoN noted it needs to be clear that the document is not from the Technical Committee and that several points are inaccurate, such as, "Council voted in May 2013 to spend up to 11.2 million dollars to replace the dams." CDPPS sought comments to be provided following the meeting.

Questions: What is the intent of the *Information Points* document and who is it intended for? Would it be more appropriate to send the message that we are working together as a group to in very short-order come up with recommendations to remediate the dams?

CDPPS responded that the *Information Points* document is for anybody who is interested in the issue and it goes beyond the Colliery dams. It's general information so that people don't have to live in fear. The signs/sirens/messaging imply that you are in danger of dying tomorrow; this is heavy-handed and not fair to residents. Want the tone of the message to be lessened.

CDPPS expressed concern for a congruent message from the Technical Committee to the public as it will be difficult for the public to believe solutions in a month's time when they haven't heard anything leading up to this.

Agreed: The Technical Committee will take a collaborative approach and will be given an opportunity to provide feedback to CDPPS on the *Information Points* document, prior to it being distributed to the public. CDPPS will make it clear it is not a committee document.

It was noted that the City website needs to be updated respecting the Colliery Dams issue by placing the most current information first, archiving the older information, and adding a chronology. CoN will review the site to assess how much information is out of date.

7. Next Steps: Action Items and Responsibilities

As noted previously:

- CoN will draft a press release advising that public access to Colliery Dam Park may be limited to accommodate the engineers' investigation work;
- Facilitator will revise the *Status Update* and then it will be distributed to the Mayor & Council, Senior Management, Technical Committee Members, local media, and posted on the City website.
- Committee members to provide comments to CDPPS on the *Information Points* document for revision, prior to distribution to the public.

8. Next Meetings

- (1) Tuesday, January 21, 10:30 a.m. - 4:15 p.m., City Board Room
GA to present all findings to date, identify if any further information is needed, provide the risk assessment model and options.
- (2) Wednesday, January 22, 9:00 a.m. – noon
Room 1, Beban Park Complex, (2300 Bowen Road)
Review and refine the next steps/ issues to narrow down options and potential for a public information session.

CDPPS requested that Cliff Marcil be invited to attend the January 21 meeting, as he would be valuable to help the group understand what is being presented. CDPPS will have a discussion and get back to the Technical Committee on whether Cliff Marcil can

provide additional knowledge and expertise or whether Lorne Gale is able to provide the same benefit.

Facilitator - Will provide an update to the Technical Committee on the Archaeological process at a future meeting.

9. Any other Business /Conclusion:

The meeting concluded at 1:00 p.m.